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JOURNAL
OF
THE SENATE
OF THE
STATE OF INDIANA;
DURING THE
FIFTEENTH SESSION
OF THE
GENERAL ASSEMBLY;
COMMENCED
AT INDIANAPOLIS,
ON MONDAY THE SIXTH OF DECEMBER, 1830.

INDIANAPOLIS:
A. F. MORRISON,
PRINTER TO THE SENATE:

.....
1830.

5410

SENATE
OF
THE STATE OF INDIANA.

The fifteenth Session of the General Assembly, commenced on Monday, the sixth day of December, 1830, at Indianapolis, in the County of Marion, in conformity with the Constitution and Laws of the State, on which day at ten o'clock, A. M. the Senate assembled.

PRESENT

Milton Stapp, Lieutenant Governor and President, who, having taken his seat, and ordered a call of the Members the following gentlemen answered to their names:

From the counties of **Fayette** and **Union**—*Newton Claypool.*

From the counties of **Marion**, **Hendricks**, **Hamilton**, **Hancock**, **Madison** and **Boon**—*Calvin Fletcher.*

From the counties of **Shelby**, **Decatur**, **Johnson** and **Morgan**—*James Gregory.*

From the counties of **Vigo**, **Sullivan** and **Clay**—*William C. Linton.*

From the county of **Franklin**—*John T. M'Kinney.*

From the county of **Dearborn**—*John Watts.*

From the counties of **Orange** and **Lawrence**—*John G. Clendenin.*

From the county of **Washington**—*John Depauw.*

From the counties of **Clark** and **Floyd**—*John M. Lemon.*

From the county of **Wayne**—*Abel Lomax.*

From the counties of **Rush** and **Henry**—*Amaziah Morgan.*

From the counties of **Gibson**, **Pike** and **Dubois**—*David Robb.*

From the counties of **Jefferson** and **Jennings**—*John Sering.*

From the counties of **Randolph**, **Delaware**, **Allen**, **Cass**, **St Josephs** and **Elkhart**—*Daniel Worth.*

The following Senators elected since the last session of the General Assembly, to fill vacancies appeared, viz:

From the counties of **Perry**, **Spencer** and **Crawford**—*Samuel Frisbie.*

From the counties of Knox, Daviess and Martin—*John Ewing*.

From the counties of Posey, Vanderburgh and Warrick—*Thomas Givens*.

From the counties of Jackson, Scott and Bartholomew—*William Graham*.

From the county of Harrison—*Dennis Pennington*.

From the counties of Monroe, Owen and Green—*James Whitcomb*.

From the counties of Montgomery Putnam, Tippecanoe, Carroll and Clinton—*Joseph Orr*.

From the counties of Parke, Vermillion, Fountain and Warren—*James Blair*, who having produced their credentials, and been sworn, in pursuance of the Constitution, took their seats.

On motion of Mr. Linton,

The Senate proceeded to elect a Secretary, Messrs. Depauw and Lomax were appointed Tellers, and on counting the votes, it appeared that John H. Farnham was elected, who was forthwith called into the Senate chamber, and sworn into office.

On motion of Mr. Morgan,

The Senate proceeded to the election of an Assistant Secretary. Messrs Graham and Robb were appointed Tellers, and on counting the votes, it appeared that Austin W. Morris was elected, who was forthwith sworn into office.

On motion of Mr. Morgan,

The Senate proceeded to elect an Enrolling Secretary, the same gentlemen acting as Tellers, and on counting the votes, upon the second balloting, it appeared that William J. Brown was elected, who was immediately sworn into office.

On motion of Mr. Givens,

The Senate proceeded to elect a Doorkeeper, the same gentlemen acting as Tellers, and on counting the votes it appeared that Oliver Morse, was upon the sixth balloting elected, who was forthwith sworn into office.

Mr. Linton presented the following Resolution,

Resolved, That the House of Representatives be informed that the Senate has convened, formed a Quorum, elected John H. Farnham Secretary, Austin W. Morris Assistant Secretary, William J. Brown Enrolling Secretary, and Oliver Morse Door keeper, and that they are now ready to proceed to legislative business, and that the Secretary be instructed to communicate the same to the House.

And on motion the Senate adjourned until two o'clock, P. M.

Two o'clock P. M.

The Senate assembled.

Mr. Claypool presented to the consideration of the Senate the following resolution, viz:

Resolved, That the Secretary of State be directed to furnish each Senator with a copy of the Revised Code, and of all subsequent acts of the General Assembly, and also a copy of the last Journal of the Senate, and that the Secretary inform the Secretary of State, of the adoption of this Resolution, which was read and adopted.

Mr. Gregory offered the following resolution, viz.

Resolved, That the Senate do now proceed to the election of a Sergeant at Arms, which was read, and on motion of Mr. Ewing, laid on the table.

The following Message was received from the House of Representatives by Mr. Sheets, their Clerk.

MR. PRESIDENT,

I am directed by the House of Representatives, to inform the Senate that they have adopted the following resolution, viz:

Resolved, That the Clerk of this House, inform the Senate that the House of Representatives have formed a Quorum, elected Isaac Hawk Speaker, William Sheets Clerk, Albert S. White Assistant Clerk, Jesse Jackson Enrolling Clerk, and John B. E. Reed Doorkeeper, and are now ready to proceed to legislative business.

On motion of Mr. Orr, the following resolution was adopted, viz:

Resolved, That the rules and joint rules which were adopted at the last Session of the General Assembly, by the Senate, for their government, be adopted during the present Session, and that the House of Representatives be informed of the adoption of the joint rules aforesaid.

The following Message was received from the House of Representatives, by Mr. Sheets, their Clerk.

MR. PRESIDENT,

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have adopted the following resolution, viz:

Resolved, That a committee of two members be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, to wait on the Governor, and inform him that the two Houses have met, elected their officers, and are now ready to hear any communication he may think proper to make, to know of him at what time he will make a communication, and that

Messrs. Ferris and Casey, have been appointed a committee on the part of the House of Representatives.

Mr. Gregory submitted the following resolution, viz.

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee, appointed on the part of the House of Representatives, to wait on the Governor, and inform him that both Houses of the General Assembly, have convened, elected their officers, and are now ready to proceed to legislative business, and to learn of him if he has any communication to make to them, and at what time and place he may please to make the same, which was read and adopted, and Messrs Gregory and Lemon were appointed a committee on the part of the Senate.

Mr. Ewing introduced a joint resolution to extend time to the commissioners of the Michigan Road to report their proceedings, which was read, and the rule requiring several readings on different days, having been dispensed with, the same was read a second time and ordered to be engrossed for a third reading to-morrow.

Mr. Gregory from the joint committee appointed to wait on the Governor and inform him of the organization of the two Houses, and learn of him at what time and place he would make a communication to them, now reported, that the committee had discharged that duty, and had received from him information, that he would on to-morrow, at the hour of 10 A. M. in the Hall of the House of Representatives, meet the two Houses, and deliver them a communication.

And the Senate adjourned until to-morrow morning at 9 o'clock.

TUESDAY, DECEMBER 7th, 1830.

The Senate assembled.

Stephen C. Stevens, from the counties of Switzerland and Ripley, appeared and took his seat.

The President announced to the Senate the appointment of the following standing committees, in conformity with the rules of the Senate, to wit :

Committee on Elections.

Messrs Givens, Pennington, Orr, Blair and Frisbie.

Committee of Ways and Means.

Messrs. Graham, Pennington, Watts, Robb, and Givens.

Committee on the Judiciary.

Messrs Stevens, M'Kinney, Fletcher, Whitcomb, Watts, Depauw and Frisbie.

Committee on Education.

Messrs Linton, Whitcomb, Watts, Sering, Worth, Lomax and Depauw.

Committee on Military Affairs.

Messrs M'Kinney, Morgan, Orr, Clendenin, and Lemon.

Committee on Roads.

Messrs Gregory, Sering, Lemon, Claypool, Robb, Linton and Pennington.

Committee on Canals and Internal Improvements.

Messrs Ewing, Linton, Stevens, M'Kinney, Blair, Worth and Orr.

Committee on the Affairs of the Town of Indianapolis.

Messrs Fletcher, Gregory, Whitcomb, Pennington and Lomax.

Committee on Claims.

Messrs Morgan, Sering, Robb, Clendenin, Depauw and Frisbie.

Committee on the State Prison.

Messrs Blair, Lemon, Claypool, Lomax and Graham.

Committee on Unfinished Business.

Messrs Claypool, Clendenin and Ewing.

Committee on Enrolled Bills.

Messrs Fletcher and Worth.

The President then announced the following, as the order of business to be observed by the Senate, during the present session, until changed by the same, to wit:

1. Reading the Journals of the preceeding day.
2. Petitions, memorials and remonstrances.
3. Reports from standing committees, in the following order.—
 1. On elections. 2. On Ways and Means. 3. On the Judiciary.
 4. On Education. 5. On Military Affairs. 6. On Roads. 7. On Canals and Internal Improvements. 8. On the affairs of the town of Indianapolis. 9. On Claims. 10. On State Prison. 11. On unfinished business.
4. Reports from select committees, (except the committee on Enrolled Bills,) which may report at any time.
5. Resolutions of the Senate.
6. Joint resolutions.
7. Bills.
8. Orders of the day.

Mr. Morgan presented the petition of Joseph Powers and others, citizens of Rush county, praying certain relief, which was referred to the committee on Education.

Mr Pennington offered for consideration and adoption, the following resolution, to wit.

Resolved, That the Senate will meet the House of Representatives in the Representative Hall, at 3 o'clock P. M. on this day, for the purpose of electing President Judges for the 1st, 2d and 3rd judicial circuits, to fill the vacancies of the Hon. Miles C. Eggleston, the Hon. John F. Ross and the Hon. John R. Porter, whose terms of office have expired. And for the purpose of electing three Prosecuting Attorneys for the same circuits, to fill the vacancies of John H. Thompson, Esq. and Charles I. Battelle, Esq. whose terms of office have expired. Also of Wm. W. Wick Esq. resigned; and that the House of Representatives be informed of the adoption of this resolution, and a similar one requested on their part.

On motion of Mr. Blair,

Ordered, That it lie on the table.

A message from the House of Representatives, by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives have adopted the following resolutions, to wit:

Resolved, That the rules and joint rules which were adopted at the last session of the General Assembly of the State of Indiana, by the House of Representatives, for their government, be, and the same are hereby adopted for the government of the House of Representatives, during the present session; and that the Clerk furnish the public printer with a copy of said rules and joint rules, with instructions to print immediately one hundred copies thereof for the use of the members of this House.

Resolved, That the Clerk inform the Senate of the adoption of these joint rules.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives have adopted the following resolution, to wit:

Resolved, That a committee of one be appointed on the part of this House, to act in conjunction with a similar committee to be appointed on the part of the Senate, to wait upon the Rev Thomas Hitt, and request him to attend in the Representative's Hall and open the present session of the Legislature by solemn prayer, and that said committee immediately report the time and place.

Ordered, That the Senate be informed thereof, and their concurrence requested, and a similar committee requested on their part.

Mr. Zenor has been appointed said committee on the part of the House.

On motion of Mr. Pennington,

Resolved, That the Senate concur in the appointment of a committee on their part, agreeably to the resolution last mentioned; and

Ordered, That Mr. Pennington be the committee.

Ordered, That the Secretary inform the House of Representatives accordingly.

A Message from the House of Representatives by Mr. Sheets, their Clerk.

MR. PRESIDENT,

The House of Representatives have adopted the following resolution, to wit:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives instanter, to be present at the opening of the present session, by solemn prayer; and that seats be provided for them on the right of the Speaker's chair.

A Message from the House of Representatives, by Mr. Sheets, their Clerk.

MR. PRESIDENT,

The House of Representatives have adopted the following resolution, to wit:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, instanter, to hear the communication of His Excellency, the Governor, and that seats be provided for them on the right of the Speaker's chair;

Whereupon,

The Senate proceeded to the Representative Hall, and took their seats on the right of the Speaker's chair, agreeably to previous arrangement, where, in the presence of both Houses of the General Assembly, the Governor delivered the following

MESSAGE.

GENTLEMEN OF THE SENATE,

AND OF THE HOUSE OF REPRESENTATIVES:

THE auspices under which we are assembled, as the servants of the best of *Sovereigns*, THE PEOPLE, in obedience to the requisitions of a priceless written constitution, demand from each, a spontaneous tribute of profound acknowledgment, to an Overruling Providence, for the numerous blessings of the year, which is just coming to a close. Whatever ministers to the happiness of mankind, in all civilized nations, abounds in our beloved country, in all that undiminished profusion, compatible with the simplicity of rational desire. Whilst health, plenty, peace and prosperity, in un-

interrupted continuity, constitute prominent themes for rejoicing and thanksgiving, ourselves with our fellow citizens, may gratulate each other, in the conscious enjoyment of all, and raise a pean of praise to the Author of all Good.

The universal developments of the past year, at home and abroad, on this and the other hemisphere, are calculated to raise the whole human family still higher in the scale of creation, in their own estimation, than anticipation ever reached. Many are the indications that the era has just been ushered in, for the complete overthrow of the most hateful errors and deadly enemies of the world, and the triumph and spread of regenerated and reasonable principles, based in the enlightened philosophy of the age and the eternal rights of man. Its great events have given birth to a *simultaneous* jubilee over half the globe, and planted deep in the thrilling souls of millions, a hope of deliverance, from long oppressions and the race of Kings. The Press has succeeded in convincing the *governed*, that they were not made to be *ruled jure divino*; but, that their rulers belong to them, as servants *jure humano*. The genius of liberty, from soaring triumphant with the Eagle and star-spangled banner of America, has taken her flight across the Atlantic, to career for a while, with the lilies and tri-colours of France. This celebrated flag, the emblem of *popular supremacy* and prostrate *royalty*, now waves unmolested over noble and gallant France. A *Republican Monarchy* is erected upon the ruins of the absolute throne of the Bourbon. A limited constitutional King sways a mild sceptre, and is now delivering lectures of practical freedom to Europe. Their force is felt, and neither the Alps nor the Pyrenees oppose barriers to their march. The spirit they breathe, has already shaken the dynasties of Europe from the little witless despotism of Brunswick, up to the iron throne of Nicholas. The Frank and the Hibernian, the Briton and the Scot, the Spaniard and the German, the Portuguese and the Netherlander, the Prussian and the Austrian, the Greek and the Italian, and even the cold Muscovite, are common worshipers at her shrine. Hope is strengthened by desire, that she may continue to brandish her blazing flambeau, until civilized Europe, and intime, the whole earth, are ignited with as pure a flame as now burns throughout the two Americas. Expressions of opinion at this time, by us, on these topics, will be both appropriate and encouraging, as they concern the cause of general freedom, and if things go on as they have commenced, (however much upon *moral* principles we may deprecate a general war) must ultimate in a signal manner, to the advantage of our agricultural and commercial interests.—The new French government has already proposed to reduce the duty on bread stuffs. But, when we look to France, and there behold a scene of glory, as enduring as the everlasting hills, in the four days successful struggle of her Parisian population, against the stubborn tyranny of their dotard King and his puerile ministers,

and learn the fatal cause of the revolution, and see the companion of Washington and late guest of the United States, General Lafayette, in the very evening of his life, shedding a fresh lustre over his already mighty name, which rather outshines in splendour the acts of his more brilliant meridian, we shall feel rather the obligations of duty than inclination to apology, for the brief notice taken of this wonderful affair. What in the whole history of nations, can more excite our admiration, than to see a single city giving *liberty* and *law* to thirty two millions of inhabitants about to be chained down in the most odious and cruel despotism, slavery and debasement—preserving and new-modeling a constitution with republican features—restoring the Press to its freedom—securing to the poor, privileges never before enjoyed on account of their misfortunes—separating church and state, and placing religious liberty upon a more firm basis than ever. (What a pointed rebuke this is, to the advocates of law-religion in our own country?) The news of this mighty revolution and its effects, fall upon *us*, at this eventful crisis of our history, with the sweetness of music; and will visit the republics of South America, bleeding under their misrule and factions, and almost despairing of success, in consequence of their long civil wars, as a *Saviour* in the midst of their afflictions and wasting contentions, as the dew-drop upon the thirsty grass. Already have we seen the patriarchal Cincinnatus of the French and Apostle of American institutions, announcing the recognition, by that government, of the independence of the Southern Republics—and Spain very soon, must now follow this example. Liberals throughout the world, will hail with raptures, their late acquisition of strength, and treat it as a sign of the times, ominous of the fate of absolute thrones and the fall of princes—of a change of sovereignty, from the usurpations of the *few*, to the natural and *political rights* of the many.—But whilst elated with the deep root which the representative principle has struck in the old world, we feel, commingled with our joy, a sensation of poignant grief, at the death toned voice, from some members of our own family, at war with our permanent and successful experiment of its excellency. It presses upon our notice, a subject of such sacred, awful and frightful import, as to mirror to the fancy, the germs of the downfall of this renowned Confederacy. With dreadful intonations, which grate and pall upon our senses, the cry of **DISUNION** has been rung in our ears—its value is undergoing a calculation by dollars and cents. As *union* is our *palladium*, so *disunion* is the fabled wooden horse, as delusive, and yet as fatal to *us*, as he was to the Trojans. If this monster is not kept without the gates of the city, the time will come, when armies will rush from its bowels, only to conflagrate, despoil and demolish the temple of liberty. “*The Union must be preserved*” has been nobly said: We will add, by the same *first* and *last* resort which bought it. In looking into the consequences of any attempt to sepa-

rate the States, we see a train of horrors and follies so appalling in an hundred aspects, that one is ready at the same time, to *pity* the *weakness* and *condemn* the *wickedness* of him who publishes a sentiment so regardless of social and relative duty. The palpable impossibility of ever succeeding in a project so suicidal, to the welfare of this national community, heightens the insanity of the dreadful scheme, and must finally brand its advocates with marks of distinction more indelible than those which still remain upon the guilty and treasonable foreheads of the Hartford Conventionists. The constitution of the United States is a *compact* and cannot be renounced by a *minority*, without a direct appeal to the *ultima ratio* under all governments, the laws of nature, and original rights, regardless of every thing but force, from the *nullified* and broken obligations of the constitutional agreement. A state taking this course, must throw itself into a belligerent attitude, upon its own resources and strength. This extra-constitutional course, must impose upon the violating and revolting state, all of the responsibilities, which the safety of the balance of the parties to the cancelled compact, may think expedient to impose.

Who is it, that cannot see the alarming picture, which might be here drawn, presenting civil war with all its calamities? Yet in view of all this, the doctrines of the right of a State, to secede from the Union, for causes deemed sufficient, *by herself*, originating in an opposition to a fixed and settled policy of the *majority*, from which she dissents, have received a practical scope, from the gigantic efforts now making, by popular men and States, to enforce them upon the public mind as orthodox theories of the republick, which, on account of their fearful tendency, make it incumbent upon State authorities, at their threshold, with counter opinions, to expose their fallacy. The United States' Government is neither strictly confederated or consolidated. The relation which the several States bear to the General government, beautifully exemplifies, (what has been maliciously denominated a monster in politics, by nullifiers,) an *imperium in imperio*. Sovereignty is the attribute of the *one* as well as the *others*, according to the powers they respectively possess. A wise division of prerogatives to *each*, keeps *all* within their appropriate spheres. And in case of encroachment of either upon the other, it is not to be presumed, that there is no constitutional national Arbiter, to substitute law and order, for anarchy, nullification and violence. What a reflection is it, upon the fathers of the republic, to contend, that differences between the several members of the Union, about such great questions as commerce, manufactures, agriculture, and revenue, should be left for adjustment at the mercy of a *single* State? Or, that the laws of the *whole*, could be rendered powerless by *one*, or any less than a majority of the parties to the agreement? The charter would not be worth the parchment which contains it, and would be a fraud upon the

citizen republican, if it recognised the right of *minorities* to rule *majorities*. The gordian knot of the Union, would sever with the breath of treason, if the *few* could enjoin the will of the *many*.

Let it be understood every where, that whenever the crisis shall demand it, the General Government will be called upon in the name of all the blood which was shed in the two wars for freedom—in the name of the illustrious dead and living who laboured so long and faithfully with the *pen* and *sword* to *form* and then to *perpetuate* the Union—in the name of the ashes which sleep at Monticello, Quincy and Washington—in the name of the patricidal, fratricidal and parricidal wars, which must in future, desolate our country, and in the name of the people and of God, to call all its various energies into active requisition, to preserve in the beak of the Eagle our favorite motto "*Epluribus unum*," and the *constellation* of *stars*, and the escutcheon. But, first let the people of all the States do their duty, their Legislatures theirs, Congressmen theirs, by provoking each other to the broadest liberality, concession and compromise, with a view to a reconciliation of existing differences, in conformity with the principles of the constitution, and the rights of *all* and *each*.—The same generous forbearance, may *preserve*, which *made* the incomparable covenants, if *all* desire it. To Congress the preservation of the ark is entrusted. What would please us, would be, to see Congressmen, fix their eye steadily upon the Union, and hear every matter which may be presented by any State, in the form of a grievance, *real* or *imaginary*, with patience and respectful attention, and decide upon them according to their *merits*, with sincere and honest intentions, and with a wisdom, patriotism and indulgence, becoming the weighty subject; and above all, unbiassed by the mania of party spirit, and unincumbered with those angry discussions, which have, as if *intended* to *widen* the *breach*, seemed to delight too much, in invidious and unprofitable comparisons of one section of the country with another, in crimination and recrimination for *political effect*, and denunciations of practices and men, that have long since been buried in infamy, oblivion or the tomb, by the laws of nature and retributive justice.

If the tariff imposing duties upon articles imported from foreign countries, of general consumption here, and not the production of our soil and climate or of the labor of our citizens, is too high, and if this is the ground of much of the excitement among our southern brethren, let it be modified by a prudent reduction. If the power so long exercised *constitutionally*, by the General Government, for the internal improvement of the country, has not done equal justice to the planting States, owing to their rigid construction of the federal charter; and this constitutes an item of complaint, let some plan be conceived by which they shall be placed on an exact equality with their sister States in all the disbursements of the national treasury. Some equitable rule for the apportionment of the surplus, may be easily

found, such as territory and population combined. But, if our sister States in the South, expect us to abandon the fair and legitimate exercise of the numerous powers of express delegation in the federal constitution, by the national Legislature, and consequently the onward march of what is called, and understood to be, the "American System," or the employment of all the essential powers of the constitution, designed for the protection and encouragement of our **MANUFACTURES**, or the labour of our citizens, against independent foreign legislation or policy, and the application of the *means* thus necessarily accumulating at the treasury, to making roads and canals or improving rivers, as well as to objects on the Atlantic, of a national character, they are slumbering under a delusion, out of which, they ought, in good faith, to be at once awakened. These are twin measures, too cardinal, too deeply rooted in the expectations and interests of a vast majority of the people, to admit even of a *possibility* of their relinquishment. They must flourish or decay together. The politician of the West and of Indiana, who would not with all his powers cling to them, through all temptation, against influence, party, patronage or other cause, should soon read his fate in the ballot box for abandoning the inheritance of his constituents in the common purse. Space here, will not permit an assignment of reasons, why we think the General Government possesses those powers, or why it is expedient to exercise them. We have no doubts on either point. And if we shall ever be compelled, by irresistible circumstances, to repeat our consent to an amendment to the constitution, conferring powers to the Government already there, for internal improvement and impost purposes, if the enemies to the system will then be quiet, we will undergo the trouble. To any "*modus operandi*," which may be selected, that will give us *Union* and these *measures*, we will acclaim. It is charged upon the friends of this policy, that they impose a *tax* upon certain quarters of the country, in order to distribute it in bounties among themselves. How this can be, when all parts of the country, are equally represented in Congress and consumers of importations, and producers, in nearly equal proportions to their population, is not discernable. Such sophistication, gives reason to fear, that there are *liberticides* in the land. I have received and shall lay before you, resolutions of the States of Pennsylvania, Delaware, and Louisiana, declaring that the Tariff of eighteen hundred and twenty eight, accords with the constitution of the United States, and is not injurious to the Southern States. Corresponding resolves are expected from you.

The state, which ourselves and our constituents have adopted, within the past year, has presented many unequivocal evidences of a certain and increasing prosperity. The superabundant productions of a soil, adopted to the culture of both necessities and luxuries, affording a sure forecast of the future, when agricultural science shall attain to more perfection, are acknowledged as a guarantee, that the country

of our choice, possesses attractions for rich and poor, superior to most others. With such a surface, and the hardy, industrious, and enterprising population, already seated upon their own acres, and the powerful mass of emigrants which constantly throng our highways, in all directions, to settle upon the vacant lands, the most sceptical, cannot doubt as to the glorious destiny of the State. By the aid of a well regulated system of common schools, which shall generally diffuse a practical and useful American education to the poor, as well as to the rich, combined with more advanced Universities, with both corporeal and mental improvement as their aim, and an independent *voluntary* moral discipline, of the most *liberal* cast, she will soon take her stand upon the platform of equality, in numbers, mind, morals, and energy, with her most potent sisters. The history of the State, up to this period, will represent us, as strictly an agricultural people. But, by the aid of our natural outlets improved, and the artificial lines of communication in expectancy, we are sure to secure to ourselves extensive commercial privileges. And these, with the water power at our command, and fuel, combined with the culture of wool, hemp, flax, cotton, and silk, or the ease with which these articles may be obtained of our neighbours, may shortly add another branch of profitable industry to the common stock, in the growth and multiplication of *manufactories*. These necessary divisions of industry and sources of wealth, are sure to sustain the mechanical—the strong arm of all the departments of labour. To mechanical genius, most of the inventions of the distinguished last half century, owe their usefulness and fame. The power of steam and the lightnings of Heaven are controuled by it. The mechanick, will yet assume his rank, over indolence and wealth, and like Phideas, be honored in his profession. The farmer will have *his*, in defiance of all the artifices of the *nonproducers*, to make him *work* whilst they *play*. As the labour of the working-men is the wealth of the State, however employed, whatever holds out a prospect of its reward, is a subject at all times, of the liveliest felicitation. The opening of the British West India ports to our shipping, thro' the prudent, skillful, and effective instrumentality of the President of the United States; the growth of cities in the United States; the increase of manufactures; the disturbances in Mexico, and Europe, and South America; the delivery of the commerce of the Mediterranean, by the French, from the humiliating and disgraceful vexation to which it has been so long subjected, abolishing piracy, slavery, and the demand of tribute from Christian nations, in Tunis, Tripoli, and Algiers; the arrangement with the Sublime Porte by our sagacious Administration, for the navigation of the Black Sea; taken in connexion with existing encouragement at home—must in a short time, cheer the farmer by their influence and ramify their pleasing effects, from Maine to Missouri, among *all*,

but most in the West. Such events are, indeed, worthy of a place among the *memorabilia* of the age

With such prospects before us, we are brought immediately to the plan of future operations, as is pointed out upon the map of the state, and in the chapter of our necessities. Our rivers, lakes and country, their situation and the advantages they hold out in perspective; our present, and increasing resources, the prosperity of ourselves and posterity, look to an early and prudently arranged system of State internal improvement, such as may be probably executed, as one of the most powerful auxiliaries to the attainment of every end within the scope of practical desire or accomplishment. By first arousing the attention of the people to its importance, *then* convincing their judgments, and *then* going to work with firmness, and in earnest, we shall be able to bring into the field, all the faculties of the State, for any factitious display of energy, coming within the range of general usefulness. Now is surely the time, whilst our State councils are undivided by implacable animosities or sectional jealousies, and whilst the spirit of improvement is in the land, whilst damages for privileges of way are nominal, and improvements unmade in many places, for the State to mark out to the public eye those essential lines of intercourse, which must by us, or by our successors, be made the objects of special consideration; and which, cannot in the common course of events, remain unimproved by a wise commonwealth. Our Wabash and Erie Canal, (or its substitute, a Rail Road, less expensive and equally valuable) on account of its utility, and the provision already accessible for its advancement, deserves to occupy the foreground in the progress of a more enlarged plan for internal improvement or navigation. This infant arm of our commercial prosperity and of hopeful promise, to the farmer, has already become the subject of a lively and general solicitude. Such are the public expectations and the delicate relations growing out of late fiduciary engagements, between the State and the land purchaser, that either a *forced* or *voluntary* suspension of this work, must be the cause of much public and private murmuring, besides the imposition of onerous responsibilities upon the State, not to be desired. The State would be unworthy of her franchises, to give up this enterprise *now* with one hand upon the donation of lands already made; and the rich Miami reservation within the *reach* of the *other*. If the State of Ohio shall blindly refuse the undoubted advantages and donations of land tendered to her by the treaty of 1829, between her and Indiana, she will impose, through too much reliance upon her enterprize and magnanimity, consequences upon us, not less grievous, than ruinous to herself.— It will be regretted, if the absurd idea of canal rivalry, shall so successfully obtrude itself into the calculations of our sister State, as to form even an item of objection to the ratification of the compact. A refusal to unite with us, on this, or any other ground, however, to

make the canal, will only leave her without the tenderd bounty, and drive us to other expedients, not less sure, tho' more expensive. The canal route may be changed, so as to run through the Michigan territory, and north of Ohio, to Lake Erie. This furnishes us with *one* alternative, under the pressure of necessity, altogether possible in itself. Another is, that the ordinance of Congress of 1787, declares all navigable waters leading into the St. Lawrence, common highways, and that the Maumee is a navigable water course, and leads towards the St. Lawrence. Hence, it is free to all to navigate, and susceptible of improvement under authority from the U. S. This would be given, as a necessary consequence of the grant already made. So *here*, we have another. And if either of these designs, should be found not to answer the end in view, we may *then*, as a *dermier* resort, but full of promise, in virtue of an act of Congress changing the terms of the canal grant, construct with its *products*, applicable to the whole line of survey, a *single Rail way* from the Detroit river, across the peninsula, to the Southern bend of Lake Michigan, thence to the Wabash river, thence to Indianapolis, thence to the Ohio river. By means of such a facility, an outlet would be opened for the State, including the Wabash country, to the *northern* and eastern lakes, and the cities of New York and New Orleans, or the Gulph of Mexico and the Atlantic ocean.

The Kentucky Rail Road, terminating at Louisville, would seem to mark out the falls of the Ohio river, as the point of termination of the one through Indiana. Thus it may be seen, that the states of Kentucky and Indiana, and the territory of Michigan, may be united directly, in interest, upon a scheme of mutual benefit, which, by its truly national bearing, might calculate largely upon any amount of national funds, or lands, which might be found wanting, after the application of the proceeds of the lands already granted, to carry on the work. It might be calculated with some certainty, that by offering to the territory of Michigan, the same immense *boon*, which is now offered to Ohio, that she will complete that *part* of the said road, which runs through her territory. Indiana, with her grants, might complete what would be in her limits. Kentucky, Tennessee, and other States south of them, would doubtless do their duty, until the way should reach the Atlantic. An *egress* and *ingress* from and to the lakes and seas, would be secured to us. The southern and northern Markets, and productions would both be thrown open to our trade. Whatever may be thought of this *ulterior* project, whilst the canal is *possible*, it must after *that* insist upon its strong claims to favour, by its national character, and the prospect of uniting several large States in its support, to secure to it the ample means of the General Government, after the payment of their debt. It follows from the above picture, that the non-ratification, of the treaty, by Ohio, will only *cripple* us.

The canal lands, sold in September, averaged \$1.70 per acre,

creating a capital stock of \$75,000,00. It is understood, that the terms of selecting the balance of the lands, have been adjusted with the United States, by the commissioners. It is also understood, that the canal commissioners, have had an Engineer employed this summer upon the summit level section of the canal. You are referred to their report for particulars. I will here add, that semi-annual sales of the canal lands will hereafter take place, by the existing law, unless the course Ohio may take with the treaty, shall make it necessary to suspend the sales, further up the Walash, until we shall have concluded upon *other* and *further* operations.

The national, and Michigan and Ohio turnpike roads, crossing each other at the centre of the State, our *next* most prominent works from which so much good is expected to follow, are progressing with as much rapidity, as is usual, in such cases. On the national road, the balance of the last year's appropriation, added to the \$60,000,00, for the present, will be expended in grading, bridging and culverting the road about thirteen miles east and west of the seat of Government, at a cost of about \$63,000,00, still leaving a balance in the hands of the commissioners. On the subject of this road, I will remark, that the whole western country, will have abundant reason to complain, under the cancelled obligation of plighted faith, if at this late period, an unexpected, illiberal construction of the constitution, or other cause, shall stop *enlarged annual* appropriations of money by Congress, until it is finished according to the original survey, to the Mississippi. The prices at which all the work is taken testify in favor of this being as favorable as any other time, for its progress, labouring low, and provisions cheap.

The Michigan road has been placed under contract, from Madison to Logansport. The contracts for this road, during the last summer, were entered into at high rates, compared to those of the National Road. More of the great loss we have suffered, however, is ascribable to the mistaken policy of the law of the last session, providing nothing but scrip, for payment, without any certainty as to time for its redemption, excluding the poor from any thing like competition, and placing the whole of the contracts within the grasp of the wealthy, than to the bad management of the Commissioner in charge of the road. But, if the Commissioner had notified the public, that he would have received proposals and made contracts with those who might take *large* or *small* given distances, for the *lowest* sum, many would have bid for the road, who were induced to put in their proposals according to his advertisement *by the mile*, and though they were the lowest bidders, in that way, were excluded, by the acceptance of *sweeping propositions* covering many miles in extent. The law already had enough, by placing every thing in the power of the capitalist, was rendered still worse, by the practice under it. These contracts will remain as warnings to the State, never again to trust her credit in the hands of the specu-

lator. When she *borrow*s money, the only sacrifice is the interest. But, when she subjects her paper to the *mercy* of *shovelings*, if she escapes from their avarice with a loss of thirty per cent hereafter, she will do better than she has in the Michigan Road transaction. To the aforementioned laws, I gave my assent with the greatest reluctance, in a spirit of compromise common to Legislators, in order to drive the vexed question from the house, by fixing the point of termination of the road and save the State from further expense; but, I have regretted the sacrifice of my convictions, since, and hope to be more guarded in the future.

By a law of the last session the Governor of this State, was requested to correspond with the general government, and ascertain when, and how, the lands donated by treaty, and an act of Congress, to the State, to open the Michigan and Ohio road, are to be surveyed; and whether they are to be surveyed by the State or general government, and urge the immediate survey of the same, by the latter, &c. If the U. S. government undertook to survey the lands, he was also required upon that *condition* (and that *only*) to notify the commissioners *when* to proceed to the *selection* of the lands. If the U. S. *refused* to survey the lands, (then again and upon that *condition only*,) he was to *notify* the commissioners to employ a surveyor, &c. and not otherwise. In faithful obedience to this act, the Executive did, on the 10th of February, 1830, open a correspondence with the Hon. John H. Eaton, Secretary of War, the successor of the Hon. James Barbour, with whom, by negotiation, the Governor had the honor, during his administration of that Department, of settling the *same* questions to the satisfaction of the State, now submitted to the present Secretary, up to the spirit and letter of the law. After waiting for a reply, in vain, to his first communication, until the 8th of July last, the Executive then addressed the Secretary again, and in a more earnest manner than at first, on the same subjects in charge, but has received no answer to this. He has also addressed another letter to the Secretary of War, asking him to acknowledge the receipt of his *two* first letters, but he has received no reply to this. In due time, (June,) he gave the above information to the commissioners, then at Indianapolis, relative to his having received no decision, as to the surveys, from the U. S. and in due time afterwards, (first of August,) after waiting as long as practicable, for the opinion of the War Department, to his second letter, he then gave his opinion through Mr. Hanna, one of the commissioners, to them, and afterwards by written communication to the board, that for safety, they might better proceed to the employment of Surveyors, &c. and to the execution of the spirit of the law, so as to prepare the lands for market, according to its provisions and intention. Copies of all of these documents, I shall lay before the Legislature with *care*.

This detail of facts, will shew to you, that there is something

wrong some where; and it will remain for the War and Post office Departments, to explain the mystery. Yet, that the surveys and locations of the lands, made by the commissioners, will be good and valid, without any decision of the Secretary of War, or *notice* of the same to the commissioners, and *with* or *without* an act of the Legislature to *legalize*, (inasmuch as these were only preparatory steps, to the consummation of the main object, and of a ministerial and pecuniary nature,) is pregnant with many reasons. The commissioners have acted. They have surveyed and selected about two hundred sections of good land, and made their report thereof to the U. S. Land Office. They intend to survey and select the balance due the State, the ensuing season. They have also completed the surveys from Greensburgh to Madison, via Napoleon. The lands were prepared for your mandate to sell them. The terms established for the sale of the canal lands, are in a train of proofs, to ascertain their goodness. Their application to those, may be appropriate. In this progress, we have been visited with *surprise*, within a short time past, with a published opinion of the acting commissioner of the General Land Office, which would confine us, *if possible*, in the location of those treaty lands, to the *exclusive* and *unceded* country of the Indians. This course and such views, appear to be a remarkable and unaccountable departure, from the *lucid* and *emphatic* decision of the late Secretary of War, on the very same points. The grounds taken by Mr. Moore in this case, will be found on the closest scrutiny, to be unsatisfactory, and sustained by neither the *letter*, *language* or *meaning* of the treaty. The position taken, that the road article forms "an *entirely distinct* and separate cession," will not stand the test, of a critical examination, of the treaty containing it. It cannot bear the touch of the knife of legal criticism.

The article granting the lands, expressly determines these three essential *matters of fact*, so explicitly, as to forbid implication, at all, to wit: 1st. It determines the *quantity* of land granted for the road—2nd. It determines the *length* and *breadth* of a *strip* of land for the road, and *names* the *two points between which* it must *lie*—3rd. It determines *where* the land or sections, for the whole line, from the lake to the Ohio, are to be located, by the significant words, "*Contiguous to the road.*" The WABASH and the LAKE are the *specified* points, *between which*, the *strip* and the contiguous lands, must be located. Now, this land must lie touching the strip or road, by the words of the treaty, (if good land can so be found) from one *defined* point to another; and how can it do this, if it is to be selected according to the new decision, ten and twenty miles *north* and *south* of these points, and thence inclining to the centre of the road? In making the agreement, the contracting parties, had in their mind, the enhanced value of the land, through its influence, lying in juxtaposition on the road, the *whole distance* through the country then

about to be ceded to the United States as well as that to be retained by the Indians. With such understandings expressly carried into the treaty, *in plain English*, we shall feel justified in resisting any immature construction which shall restrict us to the benefits, only of a little more than half the road north of the Wabash, for the selection of our lands. And it will be matter of astonishment, if the Indians themselves do not concur with us in opinion, as to the object of the treaty. We might be charged with a disingenuous concealment of real feeling, were we not here to remark, that our dissatisfaction of this late procedure, is heightened, by the United States authority not giving to us an opportunity to be heard, in defence of our rights, *prior* to the sale of the lands which the state authorities had selected, in conjunction with an agent of the United States and several Indian chiefs, in the disputed territory. If upon the reception, of the authentic proceedings of the joint commission, at the Gen. Land Office, the lands to which both parties thought they had a right, had been *reserved* from sale, for the time being, for further adjustment, instead of peremptorily ordering them for sale, without notice to any officer of the State, and making it necessary for us to bring the question before congress, on a *claim* of the monies the lands may have sold for, we would have looked upon the transaction, as having a tender regard for the publick interest, not less than as the manifestation of common respect for opposite opinions and the people of the State. We have already noticed, that the ground work of this decision is—that the article making the grant contemplates a separate cession out of the Indian lands, and not ceded by the main article, *because* the articles themselves stand as *separate* ones, in the treaty. This logic, if good, must control all the articles in the instrument, and rights growing out of them, and would prove too much to be admitted; because, it would overrule other decisions of the United States government, touching that same treaty, and rip up the already vested rights of individuals, under it, in the country ceded by the first article. What is to become of the reservations made to *individual* Indians and others, by *separate* and *distinct* articles from the main one, in the treaty? These have generally been *laid* and *ratified*, within the limits of the general cession; and not ordered to be sold. The grants *cannot* be distinguished, from the one for a road. Even the *plausibility* of the stand taken, is imperceptible; and to give it the appearance of such, the most latitudinarian constructions, at war with the *entire treaty*, all its *parts*, its *spirit*, and *context*, are resorted to.

One article possesses as much solemnity as another. All parts of the instrument have the same dignity and effect, having had a *simultaneous beginning, progress* and *maturity*, in point of *time* and *validity*. It must be interpreted, so that the whole will stand together in rational harmony. But, matters of *FACT*, settled, as in this case, are above the arts of construction. They speak for themselves.

What has been said on this subject, is submitted to you for legislation, with a belief, that you will feel as willing as your Executive, to defend the rights of the State against injuries from *any* quarter; and in this case, coming from a source, I am happy to add, whose acts, in the general, are entitled to much respect. But, let us do our duty. Let us shew by our *acts*, that we are for *principles*, and not devotees of *men*—that we will at all times applaud and maintain what is *right* and condemn what is *wrong*, uninfluenced by party spirit. As long as this is the creed of the political church, the people and their servants may rejoice together. Conflicts of opinion then, will not be viewed as signals of war. But, when they sincerely occur, as evidences of honesty of intention, to cement in the crucible of investigation, the most lasting friendships, under the guidance of an unadulterated charity. Our land has been sold, but the money is ours. A sale of the undisputed selections will be requisite, to meet the expectations of contractors.

The question respecting the public domain, is still unsettled. A graduation bill, in Congress, for the time being, is likely to supersede it. A reduction of the land of the U. S. down to one dollar, seventy five, fifty and twenty five cents per acre, making regular periods the standard of their value, would as well as aid the army of honest poor in the country, strengthen the Union, improve its treasury, settle down its floating population, and materially increase the finances of the States where the lands are: And even then do less than other nations have done and are still doing, for the citizen; and far less than the American deserves.

It would be useless to offer lands for sale at a less price than twenty-five cents. When they fall below that price, they should be given away, to actual settlers, under prudential limitations, as to time of occupancy, and number of acres. And how much of this kind of land is there, and how many unable to buy it, are known every where? We have some who inherit wealth, some competency, others nothing but poverty. And it is not unfrequently the case, that the most indigent, heads the most numerous offspring. How often are our sympathies aroused by the sad spectacle, of the heads of families, passed the grand climacteric of life, of twelve and fifteen children, wearing out their miserable lives in unprofitable tenantry, with no better hope than to procure bread enough to gratify the calls of nature. If such children and parents of misfortune, were permitted to occupy as their *own*, even the sterile and bleak districts of land, which no one at any price would buy, they would feel more like freemen. Yes, if their lands were too poor, to produce any thing but the green grass, their situation would be infinitely more happy, than to be doomed to the homeless drudgery of a perpetual underling servitude. Open a door to a general freehold population, and the Government at once receives new strength, as a consequence of the attachment which all men have for a home. When

his is the situation of the people, let external or internal commotions arise; they will be irresistible in war, and as priceless as Fabricius against bribery or corruption. When the endearments of *home and family*, are intertwined together, in the heart of the citizen, and the preservation of *these* dependent upon the salvation of his country, he is then prepared to die for it. If such lands are valueless to the Union, then the cries of the needy, are the demands of *justice and sound policy*.

The Indians still abide among us. Here they are, wasting away, like the snow flake before the fervid rays of the sun. Give them the christian religion, give organic law, give them separate states in land, give them privileges and make them citizens, or appeal to the General Government to assign them a place of their choice beyond the Mississippi, in a country suitable to the chase, to which they may emigrate, *if they please*. To suppose that the barbarian with all his savage feelings and manners and horrific customs, can long exist in the heart of civilized society, without unpleasant collisions, is about as probable, as to expect a union between fire and water for mutual existence. One or the other must prevail, and it is not to be supposed, that the civilized will yield to the savage state. It would be the part of wisdom, to give them speedily, what must be fixed upon them, by the force of circumstances, in the ultimatum: But in love and without force.

The Sunday mail question is still alive. Like other abstractions, not susceptible of being formed into law, *by us*, but bearing upon our rights or privileges, we may consider this a subject of legitimate notice. Still it should form no part of our purpose to diminish in the least that deep veneration which is so justly entertained for the christian Sabbath, or to insinuate, an unfavorable opinion, to the divinity of its institution. Few things which form a part of the social compact, human or divine, are productive of more salutary effects, in this world of moral evil, than a Sabbath, or day of rest and pious meditation. But, we wish to leave the *protection* of this sacred day, where we found it, in the hands of the Almighty, its divinity upon the testimony of the bible, and the *punishment* of its violators to *Him* who ordained it. If this is the Lord's day and of his appointment, it is under his *protection*, and he will preserve it. Let the mails run, until they are stopped by a higher power than Congress. If this body shall assume a jurisdiction over the sacred writings, on a *single subject*, the wedge is then entered, and there is nothing further in the way, to prevent them from taking complete cognizance of the *whole*. The orthodoxy of *this* and the heterodoxy of *that* creed, would soon follow in the train of a fruitful source of new legislation, concerning the Scriptures. That system of Ethics, which will not stand *alone*, and recommend *itself* by its own graces, without the whitewashes of the laws, deserves a tomb among the rubbish of other human follies. And that one which claims for itself perfection over

all others, in the midst of an extended religious toleration, is not likely to escape suspicion for its presumption. It is the *natural* and *constitutional* right to *all*, to *think* as freely, as they please, *without* responsibility, and to act *under* it.

It will become your province, at the present session, to lay off the State into new senatorial and representative districts. The usual difficulties growing out of this task, will be found to present themselves at almost insurmountable obstacles, among your best exertions, to do equal *justice*, and at the same time, give complete *satisfaction*, to all the counties in the State. If you are governed in the formation of districts, by any *definitely* fixed ratio, whether it remains as it is, or is increased, there are many counties which will be deprived of separate representative privileges, now enjoying them. The most satisfaction will, doubtless, be given, by rather leaning to a system of compromise, than to too close an adhesion to exact numbers. Owing to our prodigious increase of population, during the last five years, an increase of *members* in *both* houses, must be the consequence of *even* an increased *ratio*, which, in either case, to too great an extent, we are admonished by economical considerations and the representative principle, to be guarded against.

Within the last ten years, we have risen in numerical strength, from one hundred and forty odd thousand, to about four hundred thousand. Such an unparalleled rise in so short a time will enable us to indulge the presentiment—That unless we receive an unforeseen check in some way, by the year 1840, progressing at the rate of the past, a million of souls will live in Indiana.

You may or you may not, make the Congressional districts, under the late census, this session. You can form them subject to contingencies *before* the ratio bill is passed by Congress, or *absolutely afterwards*. Our new delegation will not be elected until August 1833. Perhaps it might be most agreeable, to form the State and federal districts at the same time, and be rid of the subject.

Some steady and *uniform* mode of doing county business, throughout the State, is recommended, alike by its benefits, and the evils of the present one. What most appears to be the ground of complaint is—the different *kinds* of country tribunals within the same commonwealth. In some counties there are boards of justices, and in others commissioners. Such a diversity of *special* legislation in this matter will lead in time to a lamentable confusion. After a while, by its institutions, one will scarcely be able to know when he is in the state or out of it. Legislation should always be *general*, producing *uniformity* in its effects; and opposition by *minorities* to the solemnly declared will of the *majority*, is no apology for *special* acts afterwards to commit havoc upon the beauty and order of a state system. At what point is the practice to stop? The examples already on our statute book, if persisted in, will in time produce a heterogeneous and deformed polity, without comeliness, wisdom, or

public security. The philanthropic exertions, making too, in some counties in the state, for the erection of asylums for the poor, upon farms, might induce the state to make them *common*, under the constitutional injunction. If an application were made to Congress, for the location of a section of land, for every county in the state, for such humane purposes, I flatter myself that it would succeed. Why not? If the lands are ours, and Congress holds them in *trust* only for us, surely we may dispose of them in our own way. And how could about two townships of land be better disposed of? Indeed, there is much reason for making such applications for the domain, in all of the states bordering on the Ohio and Mississippi rivers. and could it be said by any of the old states, that this is another scheme for the western states aggrandizement exclusively? No—for the doors of these asylums would be open to the unhappy victims of misfortune, of every state and clime. Many a son or daughter of affluent parentage, in the old states, might, under adverse circumstances, have the tear of affliction dried up, in these nurseries of benevolence. The shores of our principal rivers, already vocal with the cries of distress, should answer the objection, that such grants would be of *local* benefit.

Applications are frequently made to the Governor, to fill vacancies, created, or supposed to be created, by the *absence* of officers. The length of *time* that an officer must have removed or absented himself from his office or place of residence, to constitute a vacancy, appears not to be specified by law. This is necessary. When an officer *dies* or *resigns*, there is no difficulty in filling the vacant place. But how long a man may absent himself before he abandons his office, is matter of *opinion*. The public sentiment is divided on this subject; and therefore the *time* should be fixed by law.

In the present advanced and refined state of the human mind, in those governments which justly stand at the head of the civilized world, the propriety of inflicting capital punishments, is, from the experiments of by-gone ages, growing more and more questionable. The *right* of society, to take away life, and then the *policy* of doing so, *publicly*, though sustained by the hoary advocate of *Time* and *usage*, are among the most problematical of the settled practices of the age, which, have so uniformly received the acquiescence of nations. Shall the antiquity and universality of these customs, however, secure them against assault, and sanctify the doubtful reasoning which sustains them? Or, may we, under the lights of experience, teeming from all quarters of the globe, and as the disciples of all wholesome reforms which are improvements, venture to doubt whether they have not failed to answer the ends of this kind of punishment. It is true, that in taking life, all opportunity is cut off from the offender to commit other offences; but, this is only *one* of the objects which punishments design to effect. They look to a *reformation* of their victims, and to *EXAMPLES* to society, to deter others from the commission of similar crimes for which the criminal suffered.

Are these designs to be consummated, by placing it *without* the power of the convict, to undergo the *one*, or by making him the instrument of a *finished burlesque* upon the *other*? Is the *brief* period between the *gallows* and *conviction* a *suitable* or *sufficient* time for the culprit to make his atonement, to his country or his God? Is not the day of public execution, one of *curiosity* and amusement to many, rather than one of lasting impression? Is it the *purpose* of the spectator, in travelling for days to such exhibitions, to learn his duty to his fellow-man, or barely to *see* one of his race hang and die? The answers, which the close observer would give, to these queries, would be such, as to make the supreme power of a State, pause to examine this question, in all its bearings.

Confinement at LABOUR in the solitary cell, responds to *all* of the reasons for punishment, and has been found to be practicable without its supposed concomitants, madness, inhumanity, and gradual mortality. But what weighs most in argument against life-taking is—that all men are *fallible* and some *corrupt*, and that when vitality is taken away from the creature through *either* of these infirmities, nothing but supernatural agency can again restore it. When the *perjury* of witnessess or the *frailties* of a court or jury shall snap the thread of life, there is no redress; but when through them other corporeal punishments are inflicted, or fines, or loss of estate, or reputation, or other injury, is the consequence, the wrong is not remediless. The conservative and remedial principles of our institutions, may cure all of the errors of society, but that of taking away life from innocence. When there is no redress for such a cruel deed, with what a trembling caution are we bound, by every sacred duty, to guard against it, by law and practice. Whilst the *quo animo*, by which men *act* and are *judged*, lies concealed in its congenial microcosm and hidden from the keenest penetration, most attempts to arrive at a *certainty* with regard to it, must prove abortive. The actions of the correlatives, mind and matter, as being the interpreters of each other, are often treacherous. *Effects* are sometimes ascribed to *causes* which never produced them. Misapprehension and mistake follow. The scene closes with one of the primitive but *barbarious customs* of the early and rude stages of society, when even witchcraft was believed in by legislators and judges as learned as Matthew Hale; and life taken to appease the superstition of the law and judge.

At the request of the legislature of Alabama, I shall lay before you a memorial from that state to congress, praying for relief to land debtors to the United States, so as to allow pay for improvements on forfeited lands, and to suspend their sale, &c. This document has merits.

I am also requested to lay before you, resolutions of the states of Connecticut and Georgia; the latter for, and the former against an alteration of the constitution of the United States relative to the presidential election. One of these states is averse to any altera-

tion whatever. The other wishes such a modification of it as will give the election exclusively to the people, without the intervention of electors or congress.

The secretary of war has forwarded to this state 179 copies of artillery and 2172 of infantry tactics, which are subject to such distribution as you may direct.

The various duties required of the executive, by several resolutions of the last general assembly, have been strictly performed, which will be made manifest to you at a proper time.

The same *economy* and improvement may be introduced into the probate system, by exchanging the county for a circuit probate judge, which *exempli gratia*, has distinguished the usefulness of the circuit over the county prosecutors. By making a competent judge his own clerk, and requiring a record to be procured and kept in each county, the business may be done for less and far better than under the present mode. The records of this court should display as much critical and legal accumen, as any in the state. There is none more important. And unless the proceedings are marked with strict accuracy, an endless litigation will grow out of them.

Good faith and approaching necessity require, that the donation at Indianapolis should be sold to create a fund for the erection of a state house. The collection of materials for such a building as the state will have funds to erect, will be the work of considerable time. The balance of the land laid out in twenty acre lots, would be most likely to bring the most money. It is time that some definite conclusion was taken in this affair.

I feel myself bound again to digress, for the sake of opinions which I hold dear, to notice some attempts, by heads of voluntary associations, to undermine the grand superstructure of republicanism and overturn the first principles of the representative system, within the past season, in this state. Political heresies, if left uncombated will soon fasten their fangs upon the object. The hydra should be slain in its own element, *in limine*. If "unauthorised bodies are in future to usurp the *names* and *places* of their constitutional "co-peers," and assist in regulating the state, or are permitted to usurp the *dictatorial* office, their evil practices and their creed ought to be rendered as harmless to the body politic as possible. It seems to be contended, in true federalist *sang froid*, that when a man is elected to office he becomes at once a kind of omnipotent being, and independent of the people—That the presumption at once attaches, that as he is selected for his "*talents*" and other merits, he is, therefore, above the *people*, the *law*, and the *constitution*. The inference drawn is—that it is contended an officer cannot acquit his conscience and at the same time serve popular whims and caprices. He must, to be useful, be *absolute*. This is pure aristocracy. It is the delusive theory, wielded by kings to enslave the multitude. They take it for granted that the people at large are beasts of burden, and *incapable* of self government. Our new recruits to this doc-

trine, must act upon the same principles, to sustain the position—that the officer who will violate constitutional instructions, given to him from the legitimate source—either the people or the legislature as the case may be—on any point whatever—can hold fast to the people's office, a moment afterwards, and hurl defiance at the power who gave it. We have found with a vengeance, that we have those who not only contend for such notable notions, but those who practice them under license. This class of old side lawgivers, have yet to learn, or if informed, are too sinister to avow it, that there are few who will in these enlightened times, call in question that important maxim, "*that all power and authority are radically in the people.*" And it is becoming evident, that fewer will ever dispute it in time to come. To such as have not yet found it *convenient* to believe in these things, let me say—My soul come not thou into your secrets; unto your *assembly*, mine honour, be not thou united. Though *qualifications* in agents and other qualities, constitute a considerable item in support of representative government, in its favor, it is evident from the nature of things, that *convenience* and *safety*, are by far the most prominent inducements to its preferences of any other. The people are always safe in their *own hands*, with light.

All know that it is inconvenient for the people *en mass*, in pure democratical form, to act, dispersed over immense territories; yet it must be admitted, that they possess the *CAPACITY*; or they have not capability and sagacity enough to choose one to act for them. They retain in their own hands all powers not *expressly* named in their charter, to be wielded by them, through their agents, and under their supervision. Surely, then it is their right to be heard and *respected*, in every thing which concerns them, in the administration of their government. And he who will not bow to the omnipotence of public sentiment—either in Congress or state Legislatures, or elsewhere—and suffer the people or their representatives to make him their organ, whatever may be his "*own former opinions*," deserves a destiny as unenviable as that of the late Charles X. because he is as tyrannical. The agent is employed by an election to do the people's business, and he must do it in *their way* and not in *his own*, or give place to those who will. He who consents to be elected to office upon *party* grounds, agrees to sacrifice his general independence, becomes a slave to opinions not his own, and *belongs* to *his party*; and like a late Kentucky Senator, is bound to sacrifice the interest of his state to sustain the principles of a party, or be expelled from their ranks. He who is elected upon his *merit*, by the free suffrages of *all parties*, or by the people, without a party contest, is *free*; and may be *independent*—will feel himself under obligations to his *entire* constituents and friends, without *knowing* or wishing to *know*, where they stand in politics—is fettered by no foreign incumbrances; and may, like an honest man, act from his own views of *right* and *wrong*, and always be found on the side

of principle, and the interests of the people at large. But no *mode* or *number* of elections, should ever withdraw the eye of the agent from the wishes of his constituents, or make him indifferent to the will of the *majority*. He who forms his opinion in *advance*, to *oppose* or *support*, any man, men, or party, without allowing himself latitude for reflection and investigation, puts his mental independence in chains, and his principles under the lead of a disciplined aristocracy. It is true, that when the popular will is fully and fairly expressed, in placing men in power, their acts should in every instance be supported—not as much on their own account as from respect to the power which created them—when their *aim* is honest and their *tendency* the advancement of the public good. But to make *men first* the nucleus of a party rendezvous and suffer them to dictate the measure at their own pleasure, is inconsistent with republican institutions. Measures *first* and then *men* to sustain them, and *none but such as will sustain them*, ought to be on the title page of the text book of the U. States' politicians. Schooled in this theory, peace and good neighborhood will again return, and deception be rendered more difficult. When *men* are presented as the rallying standard, we may behold a fine exterior—affable deportment—the gentleman—scholar—an intelligent face—elegant mien—traits of honesty—semblances of morality—and much more, to command our admiration; but, the seat of intention is still invisible; and we may woo and wed, at last, secret designs and infirmities common to man in his greatest perfection. But when *principles* and *measures* summon us to become their votaries—they are thrown open to our view unmasked—we can behold their very soul, their body and their end—we can examine them with our mind's eye, investigate their causes and effects, and probe them to the core—and when approved, we can embrace them as leaders that will not deceive us—that *cannot* desert us—that will live immutably amidst the jarrings of party strife, to point the way to certain and glorious victory. *Men* must yield to *measures*—not *measures* to men.

Among the numerous subjects which a desire to avoid further prolixity, has induced me to reserve for your superior wisdom and penetration, about which much anxiety is felt, permit me respectfully to recommend: That you bestow a suitable attention upon the condition of our navigable rivers, as calling for appropriations out of the three per cent fund for their improvement, to secure the safety of the descending craft; and to encourage the steam boat to venture upon those streams, which, but for their natural obstructions would invite her to visit their extensive shores. That you take into consideration the condition of our college, and foster it with that parental care which shall preserve it free from *religious sectarianism* or *political partyism*, that it may form ripe and liberal scholars, such as will be ornaments to the state and benefactors to their race—That you enquire, whether our state roads have not failed to receive the amount of labor due them by law and the physical force of the state,

as an effect of too much reliance upon the three per cent fund.— That you may compare the 13th, 14th, and 17th sections of the constitution, which prohibit imprisonment for debt *unless for fraud*, secure the *right* of bail, and forbid the requirement of *excessive* security, with the 4th section of the practice act, the 14th section of the execution laws, and the insolvent debtor act, which provide for the *imprisonment* and *release* of debtors, under the *capias ad respondendum* and *capias ad satisfaciendum*, in order to be satisfied that the *constitution* is *general* in its application to *all* stages of proceeding in actions, and that the *laws* make a distinction in the rights of the debtor upon *mesne* and *final* process. Our laws aid the debtor in obtaining his release upon *execution*, without a resort to the insolvent law, and where there is no presumption of fraud; but the *original writ* still takes the body to jail unless bail is given or a schedule is filed. Is the failure to give bail, that presumption of *fraud* intended by the constitution which may imprison one? The debtor may be *unable* to give bail, and yet have property enough to pay his debts, and be unwilling to file his schedule. The constitution has abolished imprisonment for *debt*, but authorises it for *fraud* or presumption of fraud. The propriety and constitutionality, therefore, of imprisoning the body, either by the *first* or *last* process in a suit for *debt alone*, without providing some way of attaching fraud to the defendant, is extremely doubtful. To owe without the means of payment is a *misfortune*, but to act *fraudulently* is a *crime*. Great abuses have been practised under the 4th section of the practice act. It authorizes bail in actions of "covenant, detinue, &c." without any affidavit of the amount due. It is easy to evade the constitution by suing on a covenant, not for the payment of money or liquidated damages, lay the damages at ten times the amount forthcoming, file no affidavit to any amount, imprison the defendant until the trial; and thus demand *excessive* bail and violate the constitution. This has been practised. In the *one* of these cases, an affidavit should be made in all cases where there is no sum certain; and in the *other*, the relief given on the *capias ad satisfaciendum* should be extended to the *capias ad respondendum*.

It will, doubtless, be to you an agreeable service to authorize the presentation of the contents of two boxes of public documents, to the Indiana college, or its worthy President, in behalf of the state, and at the instance of the Secretary of State of the United States, in conformity to an act of Congress: and also, two boxes of the same from the same, to the first established historical society in Indiana. The above named boxes have come to hand.

In any attempt to revise the military laws, the growing necessity of a classification of the militia into *voluntary* and *sedentary* corps, with a view to a more *efficient* organization, and to afford complete relief to the conscientiously scrupulous against bearing arms, or fines, *as a consequence*, should not, at the beginning of a new era of political history, be lost sight of. It is equally as correct to impose pen-

alties upon one denomination of christians as another, for religious scruples—there being no TEST of opinions—but they ought to be avoided as to *any*; when no injury would accrue to the public, under a complete equality, and freedom from a *conscience tax*.

An act approved January 22d, 1829, giving relief to purchasers of out lots in Indianapolis, has *prudently* received a construction by the Agent of the state, as to the payment of back *interest* for lots never forfeited, which never could have been the intention of the Legislature. The Agent *doubting* as to the true construction, thought it best to err on the safe side, *receive* the interest, and refer the question to the Legislature for an explanatory act. The time was extended for payment, by the said act, *before* the forfeiture of the lots, or any right was vested in the state, by the original agreement, to demand interest. If interest should be demanded, when there was neither a forfeiture under the first agreement, nor under the law giving further time, the debtor would be placed in a worse situation than if no relief law had been passed; for all would have paid up before the indulgence given by the law and saved the payment of the first four years interest, in preference to taking the 22 months indulgence by the said law, and then be compelled to pay interest for five years and ten months. The interest ought to be refunded.

The situation of the treasury is as follows, to wit: amount of assessment for 1830, \$41,117.76; estimated deduction for delinquences, commission, mileage and advertising, \$7,500.00, deducted, leaving \$33,617.76—for the treasury, which will probably be paid this winter, including \$3,846.22, already paid. There is now in the treasury from all sources, \$32,789.93, which added to the balance yet to be received of this year's assessments will make \$63,571.47. The amount on hand is subject to the following claims, viz: outstanding warrants, \$265.04—judiciary claims not audited, \$2,275—prosecutors, \$208.70—specific appropriations, \$360.00—quarter master general, \$12.00—probate judges estimate, \$1,500.00—canal fund, \$15,806.69—Indianapolis fund, \$6,765.65—militia fines, \$561.85—making in all, \$27,749.43—leaving for the treasury the ensuing year, \$35,812.04, after the setting apart the said claims. The demands upon this sum for the legislative expense, printing, &c. judiciary, specific appropriations, executive, contingencies and militia, state prison and wolf scalps, and probate judges, may amount to \$33,000.00—leaving in the treasury 1st December, 1831, about \$2,800.00—apart from what may then be paid of the revenue of that year. By this exhibit, we see, that our present revenue law, will provide abundant means hereafter, for the common and necessary purposes of the government. And the anticipated new subjects of taxation, being constantly on the increase, you may in a short time, without some extraordinary call upon the finances, reduce the people's burdens.

Be you well assured, gentlemen, that it will be my pride, as it

will be my ambition, to aid you in every thing, which, either directly or remotely, shall promise any fruits for good, to our mutual constituents. As we shall all sooner or later return to the honorable stations of private citizens, to feel the laws which we may enact, we have a community of interest with *them*, to exercise caution, that nothing is done amiss.

JAMES B. RAY.

After which the Rev. Thomas Hitt, addressed the Throne of Grace in a solemn and impressive manner.

And the Senate returned to their chamber.

Mr. Depauw moved the adoption of the following resolution, to wit:

Resolved, That the public printer, immediately print for the use of the Senate, one hundred copies of the rules adopted for its government, together with the joint rules which have been adopted by the two Houses of the General Assembly at the present session; and that the Secretary notify the public printer of the adoption of this resolution.

On motion of Mr. Stevens,

Ordered, That it lie on the table.

Mr. Gregory presented the following resolution,

Resolved, That the public printer be instructed to print copies of the Journals of the Senate of the present session.

Ordered, That it lie on the table.

The President announced, that until otherwise directed the hour for the daily meeting of the Senate be 9 o'clock, A. M. and 2 o'clock P. M.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President now laid before the Senate the following communication from the Secretary of State.

OFFICE OF THE SECRETARY OF STATE, }
Indianapolis, Dec. 7th, 1830. }

The Secretary of State in conformity with the requirements of an act of the General Assembly of the State of Indiana, of the 30th of January, 1830, entitled "an act to provide for the distribution of the laws and journals, and for other purposes," submits to the General Assembly the following report of contracts made on the behalf of the state, in pursuance of said act.

On the 15th of March last, contracts were closed for distributing the laws and journals, in the several judicial circuits

with the following named gentlemen, and at the following rates, viz:

| | |
|---|---------|
| With George Secrest, for the 1st Circuit, at | \$34 00 |
| With Robert Patterson, for the 2d Circuit, at | 55 00 |
| With do. " 3d do. " | 34 00 |
| With do. " 6th do. " | 59 00 |
| With do. " 7th do. " | 33 00 |
| With Elias Osburn, for the 4th Circuit, at | 33 00 |
| With Jesse Frazier " 5th do. " | 28 75 |

278 75

All the foregoing contracts were performed except Mr. Osburn's who did not appear. His job was consequently let to Robert Patterson, on the 24th of May, at the sum of \$39 00

No suit was instituted against Mr. Osburn, because he pleaded a want of knowledge that his bid was accepted, and the excuse is now respectfully submitted to the decision of the General Assembly.

Additional compensation was allowed by the Governor out of the contingent fund, for transporting to the new counties the laws of 1824, and subsequent years, and also for extra labour in conveying similar copies, to the Probate Judges of the several counties, &c. This duty was not provided for by the above act, and consequently could not be embraced in the contracts, for distributing. On the 23d of August, the State printing was let in three several parcels, and on the following terms:

Messrs. Douglass & Maguire have the contract for printing the laws, bills of the House of Representatives, and blanks for the public offices, at the following prices, viz:

Composition, for 1000 m's 37½ cents, Press work, on medium and under, 40 cents per token, on Royal 45 cents, Blanks per ream, \$10.00. The laws to be printed within the time and manner specified in the law, and the bills as soon as they can possibly be done after they are wanted.

Mr. Alexander F. Morrison has the contract of printer to the Senate, at the following prices viz:

Composition on plain work, being the Journal of the Senate, 37½ cents per 1000 m's. Rule and Figure work, 75, Bills, Reports, &c. besides the Journal, 37½ cents, Press work, medium, per token, 40 cents, Royal 45. The work to be done within the time specified by law, and sooner if practicable.

Mr. George Smith has the contract of printer to the House of Representatives, except Bills, at the prices specified in Mr.

Morrison's contract, and he proposes if an additional compensation is allowed him, that the journal shall be furnished every morning, if the Clerk will furnish a copy at the adjournment of the House each evening.

Mr. John Cain has the contract for binding the acts and joint resolutions as heretofore at 9 cents per volume, and to have the whole completed within 21 days after the rising of the General Assembly. Mr. Cain has also the contract to press, fold, stitch, and cut the laws, journals and documents, required, and put a neat blue cover on the journals, at \$9,00 per thousand copies. The journals to be completed within seven days after the last sheet is delivered, and the documents to be delivered to the proper authorities, without the least unnecessary loss of time; such bills or documents as shall be required in haste by the Houses without stitching, are not intended to be included in the above.

Messrs. Brown and Morrison have contracted to furnish stationary for the use of both Houses of the General Assembly at the following prices, viz:

| | | |
|-----------------------------------|---------|------------|
| Hot pressed paper at | \$6 00 | per Ream. |
| Fine quills, No. 80 | 3 50 | " Hundred. |
| Fine quills, from No. 54 to 60 at | 3 00 | " " |
| do. " from 50 cents to | 1 50 | |
| Mantau Ribbands assorted colors | 25 cts. | per piece. |
| Tapes, | 50 | " Dozen. |
| Cork Inkstands, | 1 25 | " " |
| Sand, | 15 cts. | per lb. |
| Ink powder | 1 50 | " " |
| Ink bottles | 3 00 | per Dozen. |
| Crayon Pencils, | 50 cts. | per " |
| Wafers, | 1 00 | per lb. |
| Candles, | 14 cts. | per lb. |

And other necessary articles at cost and carriage.

Mr. Shadrach Lequatt has contracted to furnish Fire wood, cut and split, for the use of the General Assembly in the two fire places in the Representatives Hall, and the two in the Senate Chamber during the Session at 80 cents per day.

In order to facilitate the distribution of the laws as early as possible, Messrs Douglass & Maguire propose to proceed with their printing during the Session, if the present alphabetical arrangement shall be dispensed with. Unless this be done a commencement cannot even be made until the very last act is signed, as the appropriation act, which is commonly the last that is passed, is generally the first that is printed.—

The time allowed for printing is short, and the binder has twenty one days to fulfil his contract after the laws are out of the hands of the printer. Respectfully submitted,

JAMES MORRISON.

Which was read, and on motion,

Ordered, That it be referred to the committee of ways and means to consider and report thereon.

Mr. Fletcher, after obtaining leave, introduced a joint resolution authorizing the district court of the United States, to hold its session in the house erected upon the Governor's circle; which was read:

Ordered, That it pass to a second reading.

Said joint resolution was, by common consent, read a second time.

Mr. Graham moved, that the rules be dispensed with, and that the joint resolution under consideration be considered as engrossed, and read a third time now; when Mr. Ewing moved to amend the same by striking it out from the words "during the," and inserting the following, "present session, of said court, provided all injury sustained by holding said court therein be repaired; and this permission is not to be taken as received as indicating any change in the destination or purpose for which it was originally erected."

Mr. Fletcher moved to amend said amendment by striking out the "proviso," which was carried in the affirmative.

And on the question "shall the joint resolution pass as amended," it was decided in the affirmative.

On motion, said joint resolution was considered as engrossed, and read a third time; when, on motion of Mr. Morgan,

It was referred to a select committee with instructions to amend the same, so as to authorize the District court to use said building during the session of the present General Assembly.

Ordered, That Messrs. Morgan, Graham and Fletcher be the committee.

The Senate proceeded to consider the orders of the day.

The engrossed joint resolution to extend time to the commissioners of the Michigan Road, to report their proceedings was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives, and request their concurrence.

On motion of Mr. Whitcomb,

Resolved, That copies of the Governors Message be printed for the use of the Senate.

Mr. Fletcher moved that the blank be filled with the number "1300," which was decided in the negative.

Mr. Pennington moved that it be filled with the number "1000," which was determined in the negative.

Mr. Morgan moved that it be filled with the number "500," which was carried in the affirmative.

Mr. Morgan from the select committee, to which was referred "an engrossed joint resolution authorizing the District court of the United States to hold its session in the House erected on the Governor's circle."

Reported, That the committee had amended said engrossed joint resolution as instructed by the Senate.

Which report was concurred in.

Mr. Graham moved that said engrossed joint resolution be read a third time now; which was decided in the affirmative.

And on the question "shall said joint resolution pass," it was determined in the affirmative.

Ordered, That the Secretary inform the House of Representatives, and request their concurrence.

And the Senate adjourned.

WEDNESDAY, DECEMBER 8th, 1830.

The Senate assembled:

Mr. Ewing presented the petition of Gen'l. W. Johnson and others, citizens of Knox county, praying that a memorial might be addressed to Congress for the passage of an act for the relief of William Lindsey, an indigent revolutionary soldier, which was read and

On motion of Mr. Ewing

Resolved, That said petition be referred to a select committee, to consider and report thereon.

Ordered, That Messrs. Ewing, Robb and Whitcomb be the committee.

Mr. Linton presented the petition of Jesse M'Intire and others, citizens of Clay county, praying the location of a state road from Spencer in Owen county, and extending by way of Bowlinggreen in Clay county to Terre Haute in Vigo county, which was read, and

On motion of Mr. Linton

Referred to a select committee to consider and report thereon.

Ordered, That Messrs. Linton, Whitcomb and Orr be the committee.

The President laid before the Senate, the following communication from the Governor, to wit:

EXECUTIVE DEPARTMENT, }
Dec. 8th, 1830. }

HON. MILTON STAPP,

President of the Senate,

Sir—Mr. James Forsee is authorized to deliver messages, for me, to the Senate, during the present session.

Respectfully, &c.

J. BROWN RAY.

A message from the Governor by Mr. Forsee his private secretary.

MR. PRESIDENT:

I am requested by his Excellency the Governor, to lay before the Senate the following communication, to wit:

EXECUTIVE DEPARTMENT, }
Ind'a. Ind's. 1830. }

HON. PRESIDENT OF THE SENATE:

Sir—According to a promise, in my first communication to the Legislature, I now submit to the House, over which you have the honor to preside, correct copies of the several letters I addressed to the Secretary of War, and the Road Commissioners, within the past season, on the subject of the lands granted by treaty and an act of Congress to the state of Indiana, to which I have annexed two letters from Governor Cass and General Tipton, as evidence of the contracting parties to the said treaty, relative to the lands granted for the Michigan and Ohio road, which are as follows, to wit:

"EXECUTIVE DEPARTMENT, }
Ind'a. Ind's. Feb. 10, 1830. }

"HON. JOHN H. EATON,

Secretary of War,

Sir—Having been requested by the General Assembly of the State of Indiana, to open a correspondence and negotiation with the proper authorities of the General Government, and ascertain as nearly as possible, *when and how* the lands do-

nated by treaty and an act of Congress to the state of Indiana, "to open said road, are to be surveyed; and whether they are to be surveyed by the state of Indiana, or the General Government; and urge the immediate survey of the same by the General Government; and take all such other steps and measures necessary to cause the same to be surveyed and made ready for market, on or before the first Monday of December next," I now address you on the subject. I have given a quotation from the act itself, by which you can see what kind of information and action are required. The main proposition is—Will the United States survey the lands alluded to? And if so,—*when* and *how*?

The route of the road has been established, and the state is anxious to procure a survey of the lands by the General Government, as soon as practicable, in order that our next Legislature may offer them for sale. The facility, dispatch, and accuracy, with which the United States may survey these lands under their authority, lead us to hope, that the State will be relieved from the burden and trouble of the task. A board of Commissioners have been organized, to proceed immediately, upon the notification of the Governor, to the selection of these lands, on his being informed that the General Government will undertake their survey, &c.

Anxiously wishing, that the generosity of the General Government may not suffer, in this instance, in comparison with her usual accommodating spirit—

I am, sir, very respectfully,
Your ob't. serv't.

J. B. RAY."

"EXECUTIVE DEPARTMENT, }
Ind'a. Ind's. July 8th, 1830. }

"HON. JOHN H. EATON,

Secretary of War,

Sir—Being required by an act of the last General Assembly of the state of Indiana, to open a correspondence and negotiation, with the proper authorities of the General Government, and ascertain, as nearly as possible, *when* and *how* the lands donated by treaty and an act of Congress, to the state of Indiana, to open a road, are to be surveyed, and whether they are to be surveyed by the state of Indiana, or the General Government, and urge the immediate survey of the same by the General Government, and take all such other steps and measures necessary, to cause the same to be surveyed and

made ready for market, on or before the first Monday in December next—I *did*, in obedience to the said law, address you a letter, on the 10th of February, 1830, calling your attention to the aforementioned subject, and requesting a compliance, on the part of the United States' Government with the wishes of the Legislature of Indiana, relative to the said survey; but after waiting with impatience for several months for a reply, I am now constrained to inform you, that none has come to hand.

Supposing, that the mail may have mismanaged my *first* communication, on its way to Washington, I have deemed it most proper to address you again.

You will perceive by the above quotation, from the act itself, that it is the desire of the state of Indiana, that the lands which were granted, by the treaty of 1826, by the Potawatamie tribe of Indians, to make a road from Lake Michigan to the Ohio river, may be surveyed by the authority of the General Government. The route of the road has been established, and the State is anxious to procure a survey of the said lands by the United States, as soon as practicable, in order that our next Legislature, may offer them for sale. The facility, dispatch and accuracy, with which the United States may survey these lands, lead us to hope, that the State will be relieved from the burden and trouble of the task. A board of Commissioners, whose duty it is, to proceed immediately upon the notification of the Governor, to the *selection* of these lands, and if not surveyed by the United States, to their survey, is now awaiting the determination of the United States' Government, on this matter. We are *now* the more solicitous, for a speedy adjustment of the subject, since the country is already offered for sale, by the United States, out of which selections of land will doubtless be made, to a great extent by this State, under the authority of said treaty; for it is of much consequence to the state of Indiana, that the whole of the aforesaid lands, should be surveyed and selected, prior to the United States' sales, ordered for the ensuing fall. Should the country which is now offered for sale, be *actually* sold, before our treaty lands are surveyed and selected, it may occasion much difficulty, between the conflicting claims of the United States, or their purchasers, and those of the state, to the same lands. After surveying the lands in question, if the United States wish to have any agency in their selection, she can do so, by forthwith sending a commissioner, or agent, to act in concert with the commissioners of Indiana, now ready

to commence operations, but for the want of the decision of the U. S. Government, whether she will send us a surveyor to survey the said lands, or whether they must be surveyed by the State? An early reply will be expected.

I may here add, as a reason for the solicitude herein expressed, that contracts will be made in a few days, for improving said road, upon the faith that the lands in question, will be *surveyed, selected,* and prepared for sale, by the first of December next.

I have the honor to be, sir,
very respectfully,
your ob't serv't.

J. B. RAY."

"Indianapolis, Ind'a. Nov. 1, 1830.

HON. SEC'Y. OF WAR,

Sir—Circumstances make it necessary, for me to ask you, to inform me, whether, you received two letters from me within the last summer, or at any time within the last season relative to the surveying and selection of the lands, granted by treaty, to make a road, in this state, from Lake Michigan to the Ohio river?

I have the honor to be, &c.

J. B. RAY."

The following is a note from the Commissioners of the road; at the date of which, I informed them all, verbally, that I had written to the Secretary of War and received no answer, on the subject of the lands; but would write again, immediately, after waiting a reasonable time, for an answer to my first letter:

"Indianapolis, 3d June, 1830.

Dear Sir—We have to request you to give us the earliest information it may be in your power to obtain from the *War Department*, respecting the selection of the lands donated by Congress, for opening and constructing the Michigan road, as it may become important that the selection should be made at an early day. We will consider it as a particular favor, if you will condescend to notify us as soon as you receive any communication from the Department on this subject.

Very respectfully, your most ob't. servants,

SAMUEL HANNA,

WM. POLKE,

AB'M. McLELLAN."

To which, after waiting until there was about time enough for the Commissioners to do their duty in, for answers from the War Department, I made the following reply, to wit:

“EXECUTIVE DEPARTMENT,
Ind’a. Ind’s. Sept. 6, 1830.”

MESSRS SAML. HANNA,
WM. POLKE, &
ABR’M. M’CLELLAN, } *Michigan Road Commissioners.*

GENTLEMEN:—Permit me to repeat to you, a statement of facts, relative to the duties I have performed, by virtue of the third and fourth sections of “an act to establish a State road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river, approved Jan. 13, 1830,” and the result of my agency for the State. On the 10th Feb. 1830, I mailed a letter at Indianapolis, for the Secretary of War, in compliance with all of the requisitions of the said act. On the 3rd of June last, the Commissioners were at my office in Indianapolis, at which time, I informed them that I had not yet received an answer to my communication, and consequently was not yet in possession of the views of the U. S. Government, relative to the subject of the negotiation, but, that if I received no answer in a short time, I would again address the proper authorities, at Washington, on the subject. On the 8th of July, 1830, I renewed the correspondence, by a second letter, and have yet received no answer to it. In the first part of the month of August last, I had an interview with Saml. Hanna, one of the said Commissioners, and informed him, that I had yet received no information from Washington, and then gave him my opinion, that as the season was wearing away, and as some of the lands which might be selected, might be sold in the fall by the U. S. I thought it important, that the commissioners should not delay further to commence operations. I also then informed him, that it was the province of the Commissioners to employ a surveyor, &c. and to proceed to business. To my views Mr. Hanna assented, and stated that he would immediately correspond with the other Commissioners, with a view to a meeting of the board, and a speedy commencement of the service.

In this letter, I am aware, that I am but reciting most of what has been long since in possession of the commissioners; but as some attempts have been made to censure me for omission of duty, I have thought proper to place a statement of facts in writing, before you. By the 4th section of the said act,

am required to notify you, when to proceed to the selection of the land, on the *condition* that the General Government agrees to survey them; but, as she has *not agreed* to survey them, the law does not authorize me to act. Again, the same section authorizes me to notify the Commissioners, to employ surveyors, markers, and chain bearers, if the U. S. *refuse* to survey the lands, in order to carry the intention of the law into effect. Now inasmuch as the United States have neither *refused* or *agreed* to complete the surveys, I am clearly in this instance left without authority to act, also. But, I believe, that the spirit of the law will authorize you, (as I told Mr. Hanna,) to proceed to the employment of surveyors, markers, and chain bearers, and to *survey* and *select* the lands, according to the acts' provisions. My opinion is the same now, that it was in June—that *with* or without any thing specific from the General Government, you might carry the intention of the Legislature into effect, in regard to these lands. The present time to survey and select the lands, is one favorable to the interests of the State; and your energy is a sufficient guarantee that both objects will be effected in due time.

I have the honor to be, gentlemen,

Very respectfully, your ob't. serv't.

J. B. RAY."

ST. JOSEPH, SEPT. 18, 1827.

DEAR SIR:—Your letter of Aug. 25th, reached Detroit the day before my departure. I had not time to attend to it there, and in truth, I have not much to spare here; but my anxiety to comply with your request, in the statement of such facts, concerning the transaction at the Wabash last autumn, as are within my knowledge, and material to a correct estimate of your conduct as a public officer, induces me to address you from this place. I am always unwilling to interfere in any dispute, involving political views or feelings. Whether, as you suppose, these mingle in the statements, which have been made upon this subject, I have not the means of judging, and at any rate, your demand of my testimony, is too earnest to be resisted. To some of your questions, I cannot give definite answers, because in some instances, the facts were not known to me; and in others, my recollection has become indistinct, by the occurrence of more recent events. My general impression, however, is clear, that you were extremely anxious to accomplish the objects of our mission and to obtain important advantages for the State of Indiana. You attempted, and at one

time expected to procure an entire cession of Indian lands within the State, and I imagine that the impression respecting the concealment of any part of the proceedings relating to the treaty, resulted from your views on this subject, and upon the question concerning the provision for a CANAL. You were inclined to think, that if these objects could not be accomplished, it would be better to break off the negotiation.

Gen. Tipton and myself determined, at an early stage of the proceedings, to make the best treaty we could, and if any reasonable cession could be obtained, to accept it and refer the final decision to the President and Senate; but not to take the responsibility of departing without signing a treaty. This view was fully communicated to you, and I am not aware of any fact in the progress of the treaty, which was not fully discussed by all of the commissioners. It is *possible*, that the zeal you felt for the interest of the State, led you to adhere to these two points, I have mentioned, longer than the other Commissioners deemed it prudent; and *perhaps* more time was spent in the negotiation, than would otherwise have been done, and the event rendered somewhat more doubtful. But certainly these objects were vastly important to the State, and their accomplishment would have repaid any time or risk, devoted to them.

The *Canal* and the *Road* were favorite projects with you. With whom the first idea respecting the road, originated, I do not know. I *know* it was supported by you with great zeal, and the article making provision for it, was written by you, nearly as it stands in the treaty. Your horse was presented to an Indian, but of his value I know nothing. He appeared to be an elegant animal, and the possessor seemed very fond of him.

The allowance to commissioners, negotiating Indian treaties, is eight dollars a day for every days employment, and eight dollars for every twenty miles travel. I understood that you and Gen. Tipton travelled through the Indian country, to select the site for the council. This constituted a very proper subject of charge, and together with the travel to and from the treaty no doubt rendered your account higher than it otherwise would have been. But it was a duty necessary to be performed. For myself I can freely say, that during the whole negotiation, I conversed with you daily and almost hourly; that I found you zealous and ever anxious and willing to take your full share of responsibility, and as ready as others to suggest such measures as appeared best calculated

to obviate difficulties. There was nothing in your conduct which met my eye, that was not *honorable* and *proper*, and if our exertions were ultimately crowned with success, you are entitled to a just share of the credit.

With much respect, I am, &c.

LEWIS CASS.

HIS EXCELLENCY, J. B. RAY.

FORT WAYNE, 26th Oct. 1827.

DEAR SIR:

Since my letter of the 1st of last month, I have conversed partially with His Excellency, Governor Cass, on the subject of the certificate about which you had severally addressed us. Being engaged in public business, we had not an opportunity of writing while together, and I employ the leisure moment to comply with your request, as far as my very imperfect recollection of the occurrence of events enables me. To some of your interrogatories, I cannot give definite answers, because the facts are not within my knowledge, and in others my recollection has been too indistinct by the occurrence of more recent events over which I have no control. My general impression has ever been, that you were extremely anxious to accomplish the object of our mission. You attempted with great zeal, to obtain a general extinguishment of the Indian title to land within the State, and expressed an opinion, that if it could not be accomplished, it would be best to break off the negotiation. But Governor Cass and myself concluded at an early day, after we met, to make the best treaty we could, and to submit its ultimate decision to the President and Senate, and allow you to sign or dissent. This view was communicated to you by one or both of us. The *Canal* and the *Road* were also favorite projects with you, and were urged with much warmth. Your anxiety to obtain them, caused you to pursue those objects longer than Governor Cass and myself thought prudent: and I have thought more time was spent than need have been, and our success rendered much more doubtful thereby. I cannot say positively with whom the road project originated.

You advocated it with zeal and warmth, and wrote the article making that provision nearly as it now appears in the treaty.

We conversed freely and frequently on the size and shape of the country finally purchased, as well as the price paid for it; and the road and Canal privilege assumed almost every

possible shape, during the negotiation. I always found you ready and willing to take your share of responsibility, and to make any suggestions, as appeared to you best qualified to obtain our object, and when we differed, I attributed it to mere difference of opinion, and have seldom, if ever spoken of it publicly. I have said to your friends and to your enemies, that I thought you done all in your power, and that no part of your conduct met my eye, that was dishonorable.

Your obt. servant.

JOHN TIPTON.

HIS EXCELLENCY, J. B. RAY.

The *first*, except the two last letters speak for themselves. The *two last*, from Governor Cass and Gen. Tipton, though obtained for a different object, and never before published entire, now happily serve my purpose, to shew some important facts relative to the procurement of the Michigan road grant, by treaty, and will shed a stream of light upon the real intention of the treaty. It will be recollected that the last above named gentlemen, and myself were the negotiators of the treaty, for the United States.

Against the position taken, that this land was a *voluntary* grant from the Indians, without any dependence upon the balance of the treaty, and not a part of the consideration in which the treaty was based, we oppose our *joint* declaration, that it was a subject which for its magnitude, delayed the general cession of lands to the United States, until, as a *sine qua non*, it became a part of the instrument; and that *that*, and the Canal grant, were insisted upon, with firmness, until the Indians yielded their obstinate resistance, to the grant under notice. Against the notion, that it was a "distinct and separate cession" out of the remaining Indian lands, it is made clear, that it entered as much into the calculations of all parties, as any other portion of the instrument. It was not without its *valuable* consideration. If it delayed the treaty, though worth ten times that delay, it cost something. It was not a free will gift without a *quid pro quo*. If it cost the U. S. a small amount, it is a *national* work: was so considered by the treaty making power, and by the Senate, or it would not have been ratified.

Some uncharitable persons, in the public prints and elsewhere, have insinuated that I have failed to do my duty with regard to this road grant, under the law of last year, out of hostility to the road and for other causes. With about the same

propriety, *without evidence*, they may charge me with murdering my own child. Where is the testimony for my opposition to it, to be found?

Is it to be seen in my first of all others, *concerning* this work and the way to procure the means to make it?—*then* advocating it for the benefit of the State, at the treaty ground, with what powers and skill I was master of, though then in the employ of the United States? *then* drawing up the article, and taking upon myself the responsibility, for which I have been liberally censured, of making its insertion in the treaty, a point not to be yielded, whilst there was a ray of hope for its success?—and *then*, at last, by great exertions, with the Indians, procured its adoption, subject to predictions, from the right and from the left, that it was so unheard of a procedure, that it would destroy the treaty? Is it known from any thing which I have said or written? What reason is there, that I should feel less friendly to this noble project *now*, than when to procure it *first*, I felt willing to give up a portion of my character to obtain it? Is it negligence that I am charged with, in this respect? Who ever knew me to neglect any matter confided to me? Why more negligent in the performance of every necessary duty, so as to apply the grant, agreeably to the original design, than when so much labour and anxiety was bestowed to obtain it? Have I not had increased cause for fresh gratitude to the State, since 1827, by the election of 1828?—How can I be gratified or benefitted, in doing any thing to stay the progress of this road, or injure contractors on it, some of whom are my good friends? Has my memory deserted me within the past season, so that I had forgotten to open the correspondence required? Did the road commissioners, *then* refresh it in June? Did it fail me again, or did I maliciously, all in a moment, turn a traitor to the State? It is of the lowest grade of meanness, to *praise* or *censure* at random, without knowing or wishing to know the ground to justify it. To blacken character on *conjecture*, bears affinity to the discharge of a loaded gun into an assembly of people, without any particular object, but to do mischief.

What a stimulous it is to public men, after toiling for years, first to achieve and then to consummate a great benefaction for a community, to be accused, in the midst of their best exertions, with graceless impudence, of being treacherous concerning the object of their pursuit? When punishments are substituted for rewards, and winked at from any incentive, how long will patriotism and virtue, with proud and elevated

standard, rule the State? "Let justice be done if the Heavens fall."

I have the honor to be,
 very respectfully,
 your ob't serv't.
 J. BROWN RAY."

N. B. That I have not neglected to do my duty, as is above stated, must depend upon my *own* testimony. In this, as in all other instances of public service, of mine, I have *personally* done my business myself. I keep no clerk, private Secretary, or amanuensis—have no witnesses to prove what I do.

Respectfully, &c.

J. B. RAY.

Which was read and referred to the committee on roads.

Mr. Pennington offered for consideration the following resolution, to wit:

Resolved, That the Senate will on to morrow at 2 o'clock, P. M. meet the House of Representatives in the Representative Hall, for the purpose of electing a Senator to the Congress of the United States to fill the place of the Hon. William Hendricks, whose term of service will expire on the fourth day of March next, and that the House of Representatives be informed thereof, and a similar resolution on their part requested.

On motion of Mr. Robb,

Ordered, That said resolution lie on the table.

Mr. Lemon moved the adoption of the following resolution:

Resolved, That the committee on the Judiciary be instructed to report a joint resolution, addressed to the Congress of the United States, requesting that immediate steps be adopted for the extinguishment of the title of the Indians to all lands within the boundaries of the State, and for the early removal of the several Indian tribes within the State, to some proper territory West of the Mississippi river.

Mr. Graham moved to amend said resolution by striking out the following words, to wit: "And for the early removal of the several tribes within this State to some proper territory West of the Mississippi river," and before the question was taken,

Mr. Pennington moved to refer said resolution to a committee of the whole Senate, and make it the order of the day for to morrow.

Mr. Stevens then moved to lay said resolution on the table, which was decided in the affirmative.

On motion of Mr. Ewing,

Resolved, That the Committee on Roads be instructed to enquire whether any, and if any, what amendments are required to render the existing act for opening and repairing public roads and highways, more efficient and equal in its enactments.

On motion of Mr. Graham,

Resolved, That a select committee be instructed to enquire what amendments, if any, are necessary to be made in the law relative to estrays.

Ordered, That Messrs. Graham, Claypool and Blair be the committee.

Mr. Gregory introduced "a bill for the relief of John J. Lewis, late Collector of Shelby county," which was read a first time.

Ordered, That it pass to a second reading to morrow.

Mr. Pennington moved to take up the resolution laid upon the table on yesterday, relative to going into an election for Judges and Prosecuting Attorneys, which was decided in the negative.

Mr. Ewing moved to take up the resolution laid upon the table yesterday, to proceed to the election of a Sergeant at Arms, which motion was decided in the affirmative;

And on the question "shall said resolution be adopted," it was determined in the affirmative.

The Senate then proceeded to the election of a Sergeant at Arms—Messrs. Sering and Pennington were appointed tellers, and on counting the votes it appeared that Joseph Chambers was elected, who was forthwith called into the Senate chamber, and sworn into office.

On motion of Mr. Givens,

Resolved, That the number of copies of the Governor's Message to be furnished the Senate, be increased to thirteen hundred and fifty, and that the public printer be informed of the adoption of this resolution.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

A message from the House of Representatives, by Mr. Sheets, their Clerk.

MR. PRESIDENT:

The House of Representatives has passed an engrossed

joint resolution from the Senate, entitled, "A joint resolution to extend time to the Commissioners of the Michigan Road, to report their proceedings," and "A joint resolution authorizing the District Court of the United States, to hold its session in the House erected upon the Governor's circle, during the present session of the General Assembly," without amendment.

The President laid before the Senate, the following communication from the Secretary of State.

OFFICE OF STATE LIBRARIAN, }
Dec. 8th, 1830. }

The Secretary of State discharging the duty of State Librarian, reports to the Senate, that there has been added to the Library, since the last annual report, Rees' Cyclopædia in forty seven quarto volumes, well bound, at the sum of \$1.15.

Respectfully submitted,

JAMES MORRISON.

Mr. Gregory, after obtaining leave, introduced a joint resolution of the General Assembly, authorizing the compilation and revision of the statute laws of Indiana, which was read a first time.

Ordered, That it pass to a second reading to-morrow.

Mr. Ewing, upon leave being granted, moved the adoption of the following resolution, to wit:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of appointing three suitable persons acquainted with the laws of this State, and competent to the duty to revise, collate and digest the same, and the British enactments, in force of a permanent nature; so that the different acts and enactments of a similar nature may stand consolidated, and divested of all useless or redundant verbiage: with power to submit to the Legislature all contradictions, omissions or imperfections discovered by, or known to the revisors. That our code may be thus rendered more simple, plain and perfect. With leave to report by bill or otherwise.

Mr. Fletcher moved to amend said resolution as follows, to wit: After the word "*verbiage*," insert the following "with directions to such revisors, to affix notes of the decisions of the Supreme Court of this State made upon any statute so revised, likewise notes of the decisions of that court upon any article of the constitution of this State, and upon any of the ordinances of Congress relative to the territory, North West of the Ohio river." Which amendment was accepted by the mover.

On motion of Mr. Linton,
Ordered, That said resolution lie on the table.
 And the Senate adjourned.

THURSDAY, DECEMBER 9th, 1830.

The Senate assembled:

Mr. Morgan presented the petition of Reu Pugh and others, citizens of Rush county, praying that an additional appropriation of the three per cent fund, may be applied on the state road leading from Indianapolis to Rushville, which was read,

And on motion of Mr. Morgan, referred to the committee on Roads.

Mr. Givens presented the petition of Barnabas Annable, and others, citizens of Posey county, upon the subject of establishing a system of free schools, which was read, and,

On motion of Mr. Givens, referred to the committee on Education.

Mr. Linton presented the petition of Jacob Vantrue, and others, citizens of Clay and Vigo counties, praying a re-location of the State road leading from Bono in Lawrence county to Terre-Haute in Vigo county, which was read, and

On motion of Mr. Linton, referred to a select committee.

Ordered, That Messrs. Linton, Clendenin and Depauw, be the committee.

Mr. Whitcomb presented the petition of Jonathan Legg, for legalizing certain proceedings of the Court of Probate for Monroe county, which was read, and,

On motion of Mr. Whitcomb, referred to the committee on the Judiciary.

Mr. Gregory presented the petition of John J. Lewis, late collector of Shelby county, praying certain relief, which was read, and,

On motion of Mr. Gregory,

Ordered, That it lie on the table.

Mr. Linton, from the select committee, to which was referred the petition of Jesse M'Intire and others, praying the location of a state road from Spencer, in Owen county, by way of Bowlinggreen in Clay county, to Terre Haute, in Vigo county—reported a bill on that subject, entitled "A bill to provide for a state road from Spencer in Owen county, via Bowlinggreen, to Terre Haute.

Which was read a first time.

Ordered, That it pass to a second reading.

On motion of Mr. Pennington,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating the duties of Justices of the Peace, as to compel the parties taking an appeal from the judgments rendered by Justices of the Peace, to file said appeal in the Clerk's office.

On motion of Mr. Whitcomb,

Resolved, That the committee to whom was referred the petition of General W. Johnston, and others, praying that a memorial be addressed to the Congress of the United States, for the passage of an act for the relief of William Lindsay, an indigent revolutionary soldier—be instructed to inquire into the claims of Peter Houston for similar services, and to include an application for his relief in the same memorial, if it shall appear to them right and expedient.

On motion of Mr. Sering,

Resolved, That the committee on the affairs of the town of Indianapolis, be directed to take into consideration the propriety of making provision for contracts to be made for materials, preparatory to the erection of a State House.

On motion of Mr. Fletcher,

Resolved, That the committee on Education inquire into the expediency of reporting a bill for the organizing of school districts in the several congressional townships in this State, which have been sold under the provisions of an act entitled "An act to authorize the sale of the school lands, and for other purposes." Approved January 23d, 1830. And that they report by bill or otherwise.

On motion of Mr. Pennington,

Ordered, That the credentials of the Senators elected in August last be referred to the committee on Elections.

Mr. Morgan moved for adoption, the following resolution.

Resolved, By the Senate, that it is expedient to revise and compile the laws of Indiana, at the present session of the General Assembly.

On motion of Mr. Ewing,

Ordered, That it lie on the table.

On motion of Mr. Linton,

Resolved, That the committee on Roads be instructed to inquire into the expediency of making it the duty of supervisors of roads to make out lists of the names of persons liable to work on public highways, together with lists of all such as have re-

refused or neglected to attend to the notice of supervisors for that purpose—setting forth whether they are put in suit, and the condition generally of the claims; and to make it their duty to deliver copies to their respective successors in office.

Also to enquire into the expediency of making it the duty of supervisors, to put all claims, arising under the 15th section of the act upon the subject of roads, “Approved January 24th, 1828,” in suit with him, ten days after the same become due, appropriating the avails as directed by that act, or paying the same to their successors in office, to be so disposed of.

On motion by Mr. Blair,

Resolved, That the committee on the affairs of the town of Indianapolis, inquire into the expediency of reporting a bill for the sale of all or a part of the donation for the town of Indianapolis, with leave to report by bill or otherwise.

Mr. Lemon introduced a joint resolution of the General Assembly, relative to the Illinois Grant, which was read.

Ordered, That it pass to a second reading.

The Senate proceeded to consider the orders of the day.

The bill for the relief of John J. Lewis, late Collector of Shelby county was read the second time.

Ordered, That it be engrossed for a third reading.

The joint resolution of the General Assembly, authorizing the compilation and revision of the Statute laws of Indiana, was read a second time, and,

On motion of Mr. Pennington,

Ordered, That the said joint resolution, together with the resolution introduced by Mr. Morgan, and all other documents relating to the same subject, be committed to a committee of the whole Senate, and made the order of the day for to-morrow.

On motion of Mr. Morgan,

Ordered, That the Governor’s Message be committed to a committee of the whole Senate, and made the order of the day for this day.

The Senate adjourned.

2 o’clock, P. M.

The Senate assembled.

Mr. Claypool after having obtained leave, offered for adoption, the following resolution, viz:

Resolved, That the Judiciary committee be directed to inquire into the propriety of authorizing three terms of the Circuit Court in each county per annum.

And on the question, “shall the resolution be adopted,” the

ayes and noes being required by Messrs. Ewing and Lomax.

Those who voted in the affirmative, were

Messrs. Claypool, Clendenin, Givens, Linton, M'Kinney, Sering and Stevens—7.

And those who voted in the negative, were

Messrs. Blair, Ewing, Fletcher, Frisbie, Graham, Gregory, Lemon, Lomax, Morgan, Orr, Pennington, Robb, Watts and Whitcomb—14.

So the resolution was not adopted.

A message from the Governor, by Mr. Forsee, his private Secretary.

MR. PRESIDENT:

The Governor has requested me to lay before the Senate the following communication, on the subject of the Michigan Road lands, viz:

EXECUTIVE DEPARTMENT, }
Ind. Ind's. Dec. 9th, 1830. }

HON. MILTON STAPP,
President of the Senate,

SIR:—Since making my two last communications to the Legislature, I have received the enclosed letter from the Secretary of War, which I respectfully request to be annexed to my last address to the Senate.

The accompanying letter of the Secretary of War acknowledges the receipt of the letters written to him by me, in compliance with the law of the last session on the subject of the Michigan Road Lands, and their survey. Can it still be said I have neglected this duty? Is the evidence *I now* submit sufficient to acquit me of censure?

Respectfully, I am, &c.

JAMES B. RAY.

(Copy.)

DEPARTMENT OF WAR, }
Nov. 24th, 1830. }

SIR:—Your communication of the 11th inst. as well as those of an anterior date upon the subject of a survey of land, &c. in your State have been duly received.

In answer, I have the pleasure to inform you that the subject of your communication is before the Commissioner of the

General Land office, who will give it that attention the nature of the case requires.

Very respectfully,

J. H. EATON.

HIS EXC^y. J. B. RAY, *Gov. of Ind.*

A message from the House of Representatives, by Mr. Sheets, their Clerk.

MR. PRESIDENT:

The House of Representatives have passed an Engrossed Bill, supplemental to an act entitled an act for the appropriation of money to aid in building a bridge over Plumb Creek, in which they request the concurrence of the Senate.

Which was read a first time and ordered for a second reading to-morrow.

On motion of Mr. Gregory,

The Senate resolved themselves into a committee of the whole on the Governor's Message, Mr. Pennington in the chair, when after some time spent thereon the committee rose, Mr. President resumed the Chair and Mr. Chairman reported the following Resolutions to the Senate as the result of the deliberations of the committee:

Resolved, That so much of the Governor's Message as relates to the Wabash and Erie Canal, the sales of the Canal Lands, to navigable streams and the compact with the State of Ohio be referred to the committee on Canals and Internal Improvements.

Resolved, That so much as relates to the apportionment of Senators and Representatives, be referred to a select committee, consisting of a member from each Judicial Circuit.

Resolved, That so much as relates to the Michigan Road and to Rail Roads, be referred to the committee on Roads.

Resolved, That so much as relates to the French Revolution be referred to a select committee.

Resolved, That so much as relates to an uniform mode of doing County business, be referred to the Judiciary committee.

Resolved, That so much as relates to asylum, for the poor be referred to a select committee.

Resolved, That so much as relates to the Tariff, be referred to a select committee.

Resolved, That so much as relates to the Artillery and Infantry Tactics, received by his Excellency, be referred to the committee on Military affairs.

Resolved, That so much as relates to the finances of the State, be referred to the committee of Ways and Means.

Resolved, That so much of the Message as relates to the revision of the Laws be referred to the same committee of the whole Senate, to which a resolution of the Senate on that subject is referred.

Resolved, That so much of the Message as relates to Disunion and Nullification as abstract political principles, be referred to a select committee.

Resolved, That so much of the Message as relates to voluntary and unauthorized associations, be referred to the committee on Military affairs.

Resolved, That so much of the Message as relates to free schools, to "Indiana College" and the presentation of public Documents to the same, be referred the committee on Education.

Resolved, That so much of the Message as relates to the purchasers of Public Lands, and of lots in the town of Indianapolis, be referred to a select committee.

Resolved, That so much of the Message as relates to dividing the State into Congressional districts, be referred to a select committee.

Resolved, That so much of the Message as relates to the continuation of the Cumberland Road, be referred to a select committee.

Resolved, That so much of the Message as relates to the malfeasance in office of the Commissioner of the Michigan road be referred to the committee on Roads.

Resolved, That so much of the Message as relates to candidates being elected on party grounds, be referred to the committee on Elections.

Resolved, That so much of the Message as relates to the Indians within the State, to the punishment of crimes, to the abolition of imprisonment for debt, to the necessity of a law, defining what absence shall constitute a vacancy in office—to the making of Circuit Probate Courts, to Sunday Mails, and to a comparison of the 13th, 14th and 17th sections of the Constitution, with the 4th section of the practice act, the 14th section of the Execution law and the Insolvent debtor's act, be referred to the Judiciary committee.

In which several Resolutions he was directed to ask the concurrence of the Senate.

And on motion of Mr. Gregory, the resolutions as reported, were concurred in.

The following select committees were appointed by the President.

On the French Revolution—Messrs. M'Kinney, Worth, and Depauw.

On the Tariff—Messrs. Sering, Linton, and Whitcomb.

On Asylums for the poor—Messrs. Ewing, Lomax, and Graham.

On Disunion and Nullification—Messrs. Stevens, Clendenin and Blair.

On Relief to purchasers of public lands—Messrs. Sering, Frisbie and Fletcher.

On the apportionment of Representatives—Messrs Gregory, Ewing, Claypool, Lemon, Blair, Robb and Watts.

On the Cumberland Road—Messrs. Lomax, Fletcher and Orr.

On Congressional Districts—Messrs. Depauw, M'Kinney, Morgan, Fletcher, Linton, Givens and Blair.

And the Senate adjourned.

FRIDAY, DECEMBER 10th, 1830.

The Senate assembled.

On motion of Mr. Stevens,

Ordered, That the committee on Elections to which was referred "so much of the Governor's Message as relates to candidates being elected to office on party grounds" be discharged from the further consideration thereof.

Mr. Stevens moved, That the committee on Military Affairs, to which was referred "that part of the Governor's Message relative to voluntary and unauthorized associations" be discharged from the further consideration of the subject, which was decided in the negative.

On motion of Mr. Stevens,

Ordered, That the committee to which was referred "so much of the Governor's Message as relates to the French Revolution" be discharged from the further consideration of that subject.

The President laid before the Senate the following communication from the Michigan Road Commissioners, to wit:

To the Senate and House of Representatives of the State of Indiana, in General Assembly met:

The undersigned Commissioners of the Michigan Road beg

leave to communicate, for the information of the General Assembly, the enclosed documents, received from the General Land Office, in reply to their communication transmitting to that office a list of the lands selected for the use of the Michigan Road. From those documents the Legislature will discover that the Secretary of the Treasury refused to confirm the selections made by the Commissioners in behalf of the State of Indiana, and approved by the authorized agent of the United States Government, who was specially instructed by the Department of War to accompany the Commissioners whilst selecting the road lands, to prevent dissatisfaction or complaint being made by the Indians. From the view the Commissioners have taken of this communication they believe it to be strictly within the spirit of the law under which they have acted to transmit the same to the General Assembly.

The proceedings we have had while engaged locating the road and selecting the lands for the same, we have filed in the office of the Secretary of State as by law we are required.

With much respect,

Your most obed't.

SAML. HANNA,
WM. POLKE,
ABR'M. M'LELLAN.

which was read, and

On motion

Ordered, That it be referred to the committee on Roads.

A message from the Governor by Mr. Forsee his private secretary.

MR. PRESIDENT:

I am requested by his Excellency the Governor, to lay before you a communication accompanying the annual report of the Treasurer of "Indiana College."

"EXECUTIVE DEPARTMENT,"
Ind'a. Ind's. Dec. 9, 1830.

HON. MILTON STAPP,

President of the Senate,

Sir—The accompanying paper is the annual report of the Treasurer of "Indiana College," truly transcribed; which you will be pleased to lay before the House over which you have the honor to preside.

I am sir, very respectfully,

Your obt. servt.

J. BROWN RAY.

H

BLOOMINGTON, Nov. 25, 1830.

Sir—In compliance with an act, entitled “an act to establish a College in the State of Indiana, (approved January 24th, 1830)” the Treasurer of “Indiana College” would respectfully submit the following as a true account of the receipts and expenditures, being the whole amount received and paid out by him since the 28th day of November, 1829, up to the 27th of October, 1830:

| | |
|--|-----------|
| Remaining in the treasury on the 28th day of November, 1829 | \$ 66 64 |
| Since which time there has been received of the students | 635 45 |
| | <hr/> |
| When added makes | 703 09 |
| Paid to the members of the faculty | 560 78 |
| For repairs on the College building | 3 62½ |
| Fire wood | 21 37½ |
| Taking care of the College building, making fires, ringing bell, &c. | 25 00 |
| | <hr/> |
| Making when added | 610 78 |
| Which being deducted from the receipts leaves | \$ 92 31 |
| There has also been received of the Commissioner of the Seminary Township of land in Monroe county, of the proceeds of the sale of the reserved section south of “Indiana College,” nine hundred dollars | 900 00 |
| Of which there has been paid to Mechanics of the new College building | 558 89 |
| For Globes, Diploma plates, &c. | 100 00 |
| | <hr/> |
| | 658 89 |
| Leaving of said fund in the treasury * | \$ 241 11 |

JAMES BORLAND, *Treasurer.*

To his excellency,

JAMES B. RAY,

Gov. of the State of Indiana.

Which report was read and referred to the the committee on Education.

Mr. Frisbie presented the petition of George Ewing and others, citizens of Perry county, praying the vacation of a certain state road and for other purposes, which was read, and

On motion of Mr. Frisbie, referred to a select committee.

Ordered, That Messrs. Frisbie, Robb and Clendenin be the committee to consider and report thereon.

Mr. Whitcomb, presented the petition of Jacob Bales, and others, citizens of Monroe county, praying the passage of a law authorizing the building a toll bridge over Salt Creek in said county, which was read, and,

On motion of Mr. Whitcomb, referred to a select committee to consider and report thereon.

Ordered, That Messrs. Whitcomb, Graham and Depauw be the committee.

Mr. Frisbie presented the petition of Richard Deen, and others, citizens of Perry, praying the passage of a law authorizing the appointment of Pilots in the county of Perry, opposite Flint Island, which was read, and

On motion of Mr. Frisbie, referred to a select committee to consider and report thereon.

Ordered, That Messrs. Frisbie, Pennington and Givens be the committee.

On motion of Mr. Gregory, the following preamble and resolution were adopted, to wit:

Whereas, The laws of this State have become by various enactments, uncertain in their bearing and effect, owing to their scattered situation in different books, (the different acts of the General Assembly since the year 1824,) and to the frequent changes made in the duties of officers of the different counties and townships, so that it has become difficult for parties litigant to have equal and impartial justice done them, which renders a revision and compilation essentially necessary in many parts of the State, and,

Whereas, in the Messages of His Excellency. the Governor, for the last three years, the Legislature has been officially informed by him, that a well digested code of laws would be presented to the General Assembly during his administration, and believing, that duty alone, making it necessary to learn how far this *code* is in progression, and whether we may expect to have it submitted in time for this General Assembly to act upon. Therefore,

Resolved, That the President of the Senate be requested to respectfully address his Excellency, the Governor, upon the subject, and to learn how far he has progressed in the codification of the laws of the State. If at all, when and at what time, we may expect its presentation.

And the Senate adjourned,

2 o'clock, P. M.

The Senate assembled.

A message from the House of Representatives, by Mr. Sheets, their Clerk.

MR. PRESIDENT:

The House of Representatives has passed Engrossed Bills of the following titles, to wit:

"An act changing part of the State road leading from the Town of New Castle, in Henry county, to Crawfordsville, in Montgomery County," and "An act to authorize the Judges of the Vermillion Circuit Court, to hold a special session," in which the concurrence of the Senate is requested.

Which said Bills were severally read a first time,

Ordered, That they pass to a second reading.

On motion of Mr. Sering,

Resolved, That the Judiciary committee be instructed to inquire into the propriety of authorizing called sessions of the Circuit Courts, for the trial of criminals confined in jail.

On motion of Mr. Stevens,

Resolved, That the Treasurer of State be, and he is hereby directed forthwith to lay before the Senate, a statement of the total amount of money expended and paid out of the State Treasury, in locating, surveying, marking, &c. the Erie and Wabash Canal, and in selecting and selling the lands to open the same; together with all other expenditures in any way connected with the aforesaid objects, either incidental or otherwise, including the expenses and payments to the Commissioner sent to the State of Ohio, on the subject of a compact with that State.

On motion of Mr. Claypool,

Resolved, That the Judiciary committee be requested to inquire, if any, what amendments are necessary in explanation of the present law relative to the duties of Prosecuting Attorneys in defending applications for divorces, in prosecuting cases of bastardy, and in prosecuting persons under recognizance to keep the peace, and if they be entitled to a docket fee?

On motion of Mr. Ewing,

Resolved, That the committee to whom was referred the petition in behalf of Wm. Lindsey, and the claims of Peter Houston, be instructed to inquire into the claims of Francis Odler (or Autler,) Howard Putnam and Cutbud Tisdell, all of the army of the Revolution, and now seeking a pension of the

United States, without being able to comply with the requisitions of the law, and if their claims be deemed well founded, to embrace their names in a memorial to Congress.

On motion of Mr. Lomax,

Resolved, That the committee on Education be requested to inquire into the expediency of so amending the law relative to township trustees, as to require the trustees of such townships as have not sold their school lands, to report their proceedings to the board doing county business in their respective counties.

On motion of Mr. Ewing

Resolved, That the committee on the Judiciary be instructed to inquire whether the whole body of our laws may not be reduced to a written code or text, and be thus embraced within a reasonable compass; and whether the existing system of our courts and the existing rules for their government may not be materially benefitted and simplified; also to inquire, (in case the foregoing suggestions be thought impracticable,) whether that portion of the law which regulates the daily transactions of our citizens may not be rendered less technical on the plain and simple principles of common sense, and the enormous bills of costs now authorized, considerably reduced.

Mr. Stevens moved the adoption of the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis, be, and they are hereby directed, to inquire into the expediency of so changing the plat of said town, as to change the name of the "Governor's circle" to the name of the "State House circle," and the name of the "State House square" to the "Governor's square," and that the public building now on the Governor's circle, called the "Governor's house" be converted into a central building, for a State House, and that the apartments in said house be immediately fitted and prepared in a proper manner for the reception of the offices of Secretary, Auditor, and Treasurer of State, Agent of the town of Indianapolis, and Agent of the three per cent fund. And also provide for the proper repairs and protection of said building—And report to the Senate by bill or otherwise.

On motion of Mr. Ewing,

Ordered, That it lie on the table.

Mr. Worth, introduced a bill concerning a certain school section therein named.

Mr. Fletcher introduced a bill to amend an act entitled "An act regulating general elections," approved January 7, 1828.

Mr. Linton introduced a bill to amend "An act to provide

for the removal of obstructions to the navigation of Eel river, which were severally read a first time.

Ordered, That they pass to a second reading,

The Senate proceeded to consider the orders of the day.

The bill to provide for a state road from Spencer in Owen county, via Bowlinggreen in Clay county, to Terre Haute in Vigo county, was read a second time, and,

On motion of Mr. Whitcomb, referred to a select committee.

Ordered, That Messrs. Whitcomb, Linton and Blair be the committee.

The engrossed bill for the relief of John J. Lewis, late Collector of Shelby county, was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives, and request their concurrence.

On motion of Mr. Gregory,

Ordered, That the petition of John J. Lewis, late collector of Shelby county, be taken up, and that the Secretary carry it to the House of Representatives, with the bill for his relief.

The Engrossed Bill from the House of Representatives, supplemental to an "act for the appropriation of money to aid in building a bridge over Plumb creek" was read a second time.

Ordered, That it pass to a third reading to-morrow.

The Joint Resolution of the General Assembly relative to the Illinois Grant, was read a second time, and,

On motion of Mr. Graham referred to a select committee.

Ordered, That Messrs. Lemon, Graham and Linton be the committee.

Mr. Pennington moved to take up the resolution relative to going into an election for three Circuit Judges and three Prosecuting Attorneys, which was decided in the affirmative.

Mr. Graham moved to amend said resolution, by striking out that part which provides for the election for Prosecuting Attorney of the "fifth circuit."

Which was decided in the negative.

Mr. Graham then moved to amend said resolution by striking out these words, "to day," and inserting the following, "on Monday at 3 o'clock, P. M." which was determined in the affirmative.

And on the question "shall said resolution pass," it was determined in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof, and request the adoption of a similar resolution on their part.

Mr. Pennington moved to take up the Resolution relative

to going into an election for United States Senator, to fill the place of the Hon. Wm. Hendricks, which was decided in the negative.

And the Senate adjourned.

SATURDAY, DECEMBER 11th, 1830.

The Senate assembled:

The president laid before the Senate the following communication from the Governor:

Ind. Ind's. Dec. 10th, 1830.

HON. MILTON STAPP,

President of the Senate,

SIR:—In answer to your letter of this date enclosing a resolution of the Senate on the subject of a codification, compilation and revision of the laws, permit me to say, that I have procured a blank book at my own expense, and framed in it one hundred articles of law, but as what is done, forms a part of an *entire* system, it cannot be attached to the revision and compilation in contemplation by the Senate. It can have no connection with it. In the future I shall only promise what I have in the past; my intentions and exertions to do all in my power to give a code of laws to the people of Indiana. The great inroad which has heretofore been made upon my time by increased official duties, sickness, domestic concerns and by my common intercourse with the world, leaving me but a small portion to be devoted to the work in hand, causes me to fear that my own labours, unaided even by a clerk, will be inadequate to the completion in a year of the work of years.

This is a subject about which no positive promise ought to be made by one in my situation, having several thousand Executive acts to perform in the course of a year, besides being subject to other unavoidable losses of time, as other men.

Neither am I in this service, under the employment of the State. My undertaking is a voluntary one, and if circumstances should render it improper for me ever to submit a code to the Legislature, I shall hold myself accountable to the people alone for satisfactory reasons for my course. All may be assured of this, that it will not at any time be placed in hands that will abuse it.

A work which is condemned in *advance*, by the interested, is not likely to pass the ordeal of a fair examination, when placed under their supervision. I have had much to discourage, and but little to encourage me, to prosecute my original design. I shall refrain at this time from any allusion to causes, which have operated to dispirit me from toiling without a prospect of effecting my object. Though I shall never loose sight of being instrumental, in whole or in part, of providing a code of laws for the State. It will be equally as certain that until motives shall cease to operate against any thing which comes from me, my fears will be stronger than my hopes for its fate.

Whatever course the Legislature may think proper to take as to a system of laws, they may rely upon my best exertions to aid them to the extent of my abilities.

I have the honor to be, sir,

Very respectfully, your ob't servt.

J. BROWN RAY.

Which was read, and

On motion, referred to the same committee of the whole to which was referred a joint resolution, and sundry resolutions relative to the revision and compilation of the laws.

Mr. Blair presented the memorial of William Ray an indigent revolutionary soldier.

Which was read, and,

On motion of Mr. Blair, referred to the same select committee to which was referred the petition of Wm. Lindsey and others, to consider and report thereon.

The President laid before the Senate the following communication, and annual report of the agent of the 3 per cent fund.

AGENT'S OFFICE,
Indianapolis, Dec. 10, 1830.

Mr. President Stapp, will please lay the within report before the Senate.

Respectfully,

B. I. BLYTHE,

Agent 3 per cent fund.

In obedience to an Act, Approved January 23d, 1829, I make the following statement of settlements made with Road Commissioners and the balances due at the time settlement was made:

| <i>Date of settlement.</i> | <i>No of roads</i> | <i>Drafts paid.</i> | <i>Expended by Comr's in opening and improving.</i> | <i>Comr's. services.</i> | <i>Surveyor, chain carr's & marker.</i> | <i>Damages awarded individuals.</i> | <i>Allowance made Com. see acts 1830 page 126</i> | <i>Post- age on letters from Agent</i> | <i>Balance due from Comr's</i> | <i>Balance due Com's</i> |
|----------------------------|--------------------|---------------------|---|--------------------------|---|-------------------------------------|---|--|--------------------------------|--------------------------|
| 1829 Dec. 19th | 2 | 6,531.09 | 5,172.60 | 850.00 | 290.00 | 138.40 | | 1.09 | 79.00 | |
| " Sept. 18th | 3 | 1,374.23 | 756.92 | 274.62 | | | 23.70 | 1.06 | 317.93 | |
| " Dec. 23d | 4 | 1,822.66 | 1,288.06 | 344.75 | 146.00 | | | 1.50 | 42.35 | |
| " Sept. 22d | 4 | 747.50 | 521.10 | 87.00 | 36.00 | 78.20 | | 1.12 | 24.08 | |
| " " 19th | 5 | 2,920.71 | 2,266.94 | 225.75 | 80.00 | | | 1.55 | 346.47 | |
| " " 12th | 7 | 4,211.09 | 2,996.16 | 987.50 | 141.00 | 108.50 | | | | 22.07 |
| 1830, Jan. 14th | 8 | 7,191.91 | 5,933.40 | 615.25 | 190.00 | 54.04 | | | 399.22 | |
| 1829, Sept. 30th | 9 | 8,260.02 | 5,592.65 | 1293.25 | 330.25 | 72.45 | 20.00 | | 951.42 | |
| " Oct. 1st. | 10 | 2,199.76 | 1,745.76 | 301.50 | 81.00 | 20.92 | 10.00 | | 40.58 | |
| " Dec. 29th | 11 | 4,402.25 | 3,617.72 | 531.41 | 133.25 | 112.01 | | 1.50 | 6.36 | |
| " " " | 13 | 2,829.66 | 2,256.98 | 279.25 | 74.50 | 218.93 | | | 50.00 | |
| 1830, Oct 30th | 14 | 2,828.82 | 2,265.82 | 442.00 | 71.00 | | | | | |
| " " " | 16 | 3,166.62 | 2,609.21 | 418.19 | 52.37 | | 25.60 | 1.25 | | |
| 1829, " 12th | 18 | 3,591.29 | 2,645.60 | 268.25 | 215.18 | 138.49 | 8.00 | 3.06 | 12.71 | |
| " " 14th | 19 | 3,842.80 | 1,767.00 | 507.50 | 241.00 | 1,270.91 | 60.00 | 1.96 | | 5.57 |
| " " 15th | 20 | 3,932.14 | 3,242.71 | 413.31 | 134.84 | | | 47 | 140.80 | |
| " " 17th | 21 | 2,506.44 | 1,967.25 | 331.25 | 128.50 | | 40.25 | | 39.19 | |

[illegible]

I would have reported last year, but that many of the Commissioners made charges which I did not feel myself authorised to allow, and it became necessary that the Legislature should pass an Act on the subject before I could close their accounts.

I have not yet been able to effect settlements with all the Commissioners but expect to do so shortly without suit.

Respectfully submitted,
B. I. BLYTHE,
Agent 3 per cent funds.

*A Statement of the situation of the 3 per cent fund.**December 1, 1830.*

| <i>No of Road.</i> | <i>Road Commissioners.</i> | <i>Appropriation to each road</i> | <i>Drafts paid.</i> | <i>Balance due.</i> |
|--------------------|--|-----------------------------------|---------------------|---------------------|
| 2 | John I. Neely - - | 6,767.38 | 6,767.38 | |
| 3 | Archibald Campbell - - | 2,708.87 | 2,569.41 | 139.46 |
| 4 | Andrew Cavitt - - - | 2,709.57 | 2,709.57 | |
| 5 | Isaac Montgomery - - | 3,079.24 | 3,079.24 | |
| 6 | William M'Cormack - - | 4,928.93 | 4,376.31 | 552.62 |
| 7 | Michael Buskirk - - | 4,835.01 | 4,834.09 | 91 |
| 8 | Ezekiel Blackwell - - | 7,563.69 | 7,145.54 | 418.15 |
| 9 | Richard Beem - - - | 8,506.96 | 8,506.96 | |
| 10 | William Richards - - | 2,674.00 | 2,199.76 | 474.24 |
| 11 | J. G. Clendenin & C. Berkshire | 4,990.63 | 4,990.63 | |
| 12 | Samuel Gwathmey - - | 2,712.23 | 2,576.19 | 136.04 |
| 13 | John M. Lemon - - - | 3,250.80 | 3,250.80 | |
| 14 | Gara Davis - - - | 3,033.80 | 2,988.26 | 45.54 |
| 15 | William C. Bramwell - - | 5,750.57 | 5,750.50 | 07 |
| 16 | Simeon Slawson - - - | 3,166.62 | 3,166.55 | 07 |
| 17 | John Walker - - - | 6,333.33 | 6,333.33 | |
| 18 | David Mount - - - | 3,862.44 | 3,862.44 | |
| 19 | Stanhope Royster - - | 3,842.40 | 3,842.40 | |
| 12 | John C. Kibby - - - | 4,192.75 | 3,932.14 | 260.61 |
| 21 | John Way - - - | 2,672.56 | 2,672.56 | |
| 22 | James Blake - - - | 897.36 | 897.36 | |
| 23 | John Barricklow - - - | 1,000.00 | 1,000.00 | |
| 24 | Franklin F. Sawyer - - | 437.07 | 437.07 | |
| 25 | Wabash Fund - - - | 4,675.86 | 147.34 | 4,528.52 |
| 26 | Robert M'Intire - - - | 441.32 | 211.08 | 230.24 |
| 27 | George Ewing - - - | 2,423.25 | 1,698.22 | 725.03 |
| 28 | James Ball - - - | 1,009.37 | 1,009.21 | 16 |
| 29 | William Sanders - - - | 1,738.35 | 1,738.35 | |
| 30 | William Caswell - - - | 550.00 | 500.00 | 50.00 |
| 31 | Wm. Polke, special appropriation | 114.00 | 114.00 | |
| 32 | Reu. Bates & Alanson Warner | 1,000.00 | 569.73 | 430.27 |
| 33 | Rezin Davis & Joseph Nicholas | 1,506.92 | 1,506.92 | |
| 34 | Chester Elliott - - - | 50.00 | 50.00 | |
| 35 | Wm. H. Heath & J. Wright | 1,240.00 | 1,240.00 | |
| 36 | M. Shortridge, Z. Beckwith and James Scott - - | 1,149.00 | 667.74 | 481.26 |
| 37 | George Piercy - - - | 1,066.77 | 732.88 | 333.89 |

| | | | | |
|---------------|---------------------------------|-----------|------------|---------|
| 38 | James M'Farland & J. Hill | 1,000.00 | 1,000.00 | |
| 39 | Elias Poston - - | 100.00 | 100.00 | |
| 40 | Adam Shoemaker - - | 330.00 | 330.00 | |
| 41 | Jonathan John - - | 50.00 | 50.00 | |
| 42 | James Barnett - - | 250.00 | 250.00 | |
| 43 | Jacob Andrick - - | 500.00 | 500.00 | |
| | Amount brought forward. | | | |
| 44 | John Deny - - | 1,000.00 | 1,000.00 | |
| 45 | Amos Robinson - - | 1,500.00 | 1,500.00 | |
| 46 | Thomas Gillam - - | 200.00 | 200.00 | |
| 47 | Joseph Potts - - | 500.00 | 500.00 | |
| 48 | Thomas Craner - - | 1,000.00 | 1,000.00 | |
| 49 | Daniel Heaton - - | 800.00 | 800.00 | |
| 50 | John M'Cullough - - | 500.00 | 500.00 | |
| 51 | Meredith Gosney - - | 750.00 | 750.00 | |
| 52 | William M'Creery - - | 1,500.00 | 1,500.00 | |
| 53 | Charles Martin - - | 100.00 | | 100.00 |
| 54 | William Dickey - - | 100.00 | 100.00 | |
| 55 | Mount Vernon, to Collins' ferry | 125.00 | | 125.00 |
| 56 | Bridge over Fall Creek | 300.00 | | 300.00 |
| <i>Rivers</i> | | | | |
| 1 | Samuel Cobb - - | 300.00 | 300.00 | |
| 2 | Joseph Bough - - | 200.00 | 200.00 | |
| 3 | Hugh Moore - - | 300.00 | 300.00 | |
| 4 | John Hackleman - - | 200.00 | 200.00 | |
| 5 | Jacob Goodlander - - | 225.00 | | 225.00 |
| 6 | John Norris - - | 175.00 | 175.00 | |
| 7 | James Duckworth - - | 100.00 | | 100.00 |
| 8 | James Alexander - - | 100.00 | 100.00 | |
| 9 | John Rieley - - | 300.00 | 300.00 | |
| 10 | Orson Willard - - | 150.00 | | 150.00 |
| | | \$ | | |
| | | 119,356.8 | 109,728.99 | 9,807.9 |

Received from Treasury of the United States in

| | |
|------------|-------------|
| June, 1822 | \$32,629.46 |
| May 1823 | 17,857.84 |
| March 1824 | 11,462.73 |
| April 1825 | 10,798.09 |
| May 1826 | 7,176.97 |
| March 1827 | 7,352.54 |
| May 1828 | 8,887.75 |
| July 1829 | 8,902.11 |
| April 1830 | 14,226.83 |

119,294.32

| | | |
|--|-----------|------------------|
| Received from State Treasury on account of Canal Fund, see Acts 1828 | | 2,550.00 |
| | | <hr/> 121,844.32 |
| Retained to meet Agents Commission | | 2,675.22 |
| | | <hr/> 119,169.10 |
| Postage paid Saml. Henderson, up to July 5th, 1830 | | 7.88 |
| | | <hr/> 119,161.22 |
| Stationary up to July, 1830 | 20.00 | |
| Desk and case for Agents office | 15.00 | |
| 48 days services in settling with commissioners, (in part.) | 96.00 | 131.00 |
| | <hr/> | <hr/> |
| Appropriated over the sum drawn from the Treasury | | 505.86 |
| | | <hr/> |
| Apportioned to different roads and rivers | | 119,536.08 |
| Commissioners drafts reported last year | 91,724.29 | |
| Drafts since paid and now reported | 18,004.70 | 109,728.99 |
| | <hr/> | <hr/> |
| Balance that would be on hand had there been a sum sufficient to meet the appropriations | | 9,807.09 |
| Appropriated over the amount drawn from Treasury | | 505.86 |
| | | <hr/> |
| Remaining on hand | | \$9,301.23 |
| Respectfully submitted, | | |
| B. I. BLYTHE, Ag't. 3 per cent fund | | |

Mr. Claypool, from the committee on unfinished business, made the following Report:

MR. PRESIDENT:

The committee on unfinished business, have carefully examined the papers on file, of the last session, and find the following unfinished business, viz:

1st. A bill amendatory of the several acts providing for assessing and collecting the Revenue.

2d. A bill to amend an act regulating the practice in suits at law, approved January 20, 1824.

3d. A bill to provide for the better securing of the monies arising from the sales of the school lands in this state.

4th. A bill providing for the sale of the school lands, and the management of the fund arising therefrom in Wayne county.

5th. A bill concerning the school lands in Vermillion county.

6th. A bill supplemental to an act entitled an act, relative to crime and punishment, approved January 20, 1824.

7th. A joint resolution respecting an amendment to the Constitution of the U. S.

8th. A bill legalizing the election of Probate Judge, in the county of Washington.

9th. A joint resolution relative to the Wabash and Erie Canal.

10th. A bill changing a part of a certain State Road therein named.

11th. A bill repealing the act respecting certain public property in the county of Spencer, approved Jan. 14, 1824.

12th. A joint Resolution to promote and protect Agriculture, Manufactures and Commerce.

The committee recommend the adoption of the following resolutions, viz:

1. *Resolved*, That the bills numbered 1 and 2, be acted on as original bills.

2. *Resolved*, That bills numbered 3, 4 and 5, be referred to the Committee on Education.

3. *Resolved*, That the bills and joint resolutions numbered 6, 7, 8, 9, 10 and 11 be indefinitely postponed.

4. *Resolved*, That the joint resolution numbered 12, be referred to the same committee to whom was referred that part of the Governor's Message, which related to the Tariff.

Which Report was read and concurred in.

The bill amendatory of the several acts providing for assessing and collecting the revenue, and

The bill to amend an act regulating the practice in suits at law approved Jan. 20, 1824, were severally read a first time, and ordered to a second reading.

Mr. Linton, from the select committee to which was referred the petition of Jacob Vantruer, and others, praying the re-location of the state road from Bono, to Terre Haute, reported that they have had the same under consideration, and,

Report a bill providing for the re-location of the same, which was read a first time,

Ordered, That it pass to a second reading.

Mr. Ewing from the select committee to which was referred the claims of certain old soldiers of the Revolutionary war, citizens of Indiana, reported "A Joint Resolution requesting our Senators and Representatives in Congress to exercise their best exertions to have the names of William Lind-

sey, and others placed on the pension Roll list of the Revolutionary army, of the United States."

Which was read twice, and on motion of Mr. Graham the name of William Owens was inserted in said joint resolution.

Ordered, That it be engrossed for a third reading.

Mr. Gregory moved to discharge the committee on Roads, to which was referred that part of the Governor's message relative to the malfeasance of the Michigan Road Commissioner, from the further consideration thereof, and,

On the question "shall the committee be discharged," it was determined in the negative.

The President laid before the Senate, the following communication covering the annual, and other reports from the Treasurer of State, to wit:

TREASURER'S OFFICE,
December, 10, 1829.}

THE PRESIDENT OF THE SENATE,

Herewith is submitted to be laid before the Senate,

| | |
|---|-------|
| The annual Report of the Treasurer, | No. 1 |
| The Loan office Report | " 2 |
| The list of Borrowers of the Seminary fund | " 3 |
| The contingent expences and the cost of stationary, &c. | " 4 |

I have the honor to be &c.

SAML. MERRILL.

No. 1. *Treasury Department, Dec. 10, 1830.*

The Treasurer in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from December 5, 1829, to December 4, 1830.

Cash on hand, 5th December, 1829 \$10,123 68

Receipts from that day, to 4th December, 1830.

| | | | |
|------------------------------|--|--------|--|
| From the assessments of 1820 | | 16 43 | |
| " " 1822 | | 69 11 | |
| " " 1823 | | 73 20 | |
| " " 1825 | | 620 00 | |
| " " 1826 | | 621 76 | |
| " " 1827 | | 181 29 | |
| " " 1829 | | | |

Including unlisted lands not previously reported to Auditor 29,386 04

| | |
|--|-----------|
| From assessments for 1830 | 3,846 22 |
| From the late and present Agent for Indianapolis | 3,839 95 |
| From the Commissioners of Seminary townships | 4,552 83 |
| From the sale of land mortgaged to Loan office | 405 00 |
| From the sale of Canal lands | 18,709 25 |
| Loans refunded | 1,290 16 |
| Interest on loans | 1,542 40 |
| Penalty of late Collector of Switzerland county | 8 87 |
| Rents of Salt spring reserves | 90 85 |
| Estates without heirs | 50 77 |

Making in all \$75,468 16

Payments from the Treasury during the foregoing period.

| | |
|---|-----------|
| To the Adjutant and Quarter-Master Generals | \$154 86 |
| For advertising the Presidential election | 10 00 |
| Salaries of Circuit Prosecutors | 1,937 55 |
| “ Executive officers | 2,361 05 |
| “ Judiciary | 5,566 76 |
| For transporting convicts to State Prison | 507 32 |
| For State Library | 113 12 |
| To superintendents of Salt spring reserves | 30 00 |
| For printing and stationary | 3,336 21 |
| Compensation of Probate Judges | 1,273 50 |
| “ Wolf scalps | 636 50 |
| To Members, Clerks, &c. of the last Legislature | 12,041 03 |
| Contingent expenses | 1,026 08 |
| Specific appropriations | 1,202 64 |
| Indianapolis expenditures | 398 92 |
| Michigan Road | 1,184 50 |
| Wabash and Miami Canal | 1,902 56 |
| State Seminary | 2,676 64 |
| Loans and amount to be paid on sale of mortgaged land | 5,928 00 |
| Militia fines distributed | 21 00 |

Making in all \$41,408 33

Which leaves in the Treasury 34,059 93

The cash on hand is liable to

| | |
|--|----------|
| Outstanding Warrants | \$265 04 |
| Salaries of Judges due but not audited | 2,275 00 |
| “ Prosecutors | 202 70 |
| Specific appropriations, not audited. | 360 00 |

| | |
|--------------------------------------|-----------|
| Claims of Probate Judges, estimated, | 1,500 00 |
| Wabash and Miami Canal fund | 15,806 69 |
| Indianapolis " " | 6,765 65 |
| Militia fines | 561 85 |

| | |
|--|-------------|
| Making, | \$27,736 93 |
| Which deducted from the cash on hand, leaves | \$6,323 00 |
| The revenue of 1830, to be paid subsequent to 4th inst. will probably amount to | 29,700 00 |

| | |
|---|-------------|
| Making for the current expences of the year | \$36,023 00 |
|---|-------------|

These expences may be estimated as follows:

| | |
|----------------------------------|------------|
| To Judges and Prosecutors, | \$8,200 00 |
| Executive officers, | 2,200 00 |
| Printing and Stationary, | 3,300 00 |
| Expences of present Legislature, | 13,000 00 |
| Specific appropriations, | 1,600 00 |
| Contingent expences, | 1,000 00 |
| Militia, | 150,00 |
| State prison, | 750,00 |
| Wolf scalps, | 800 00 |
| Probate Judges, | 3,000 00 |

| | |
|--|-------------|
| Making | \$34,000 00 |
| Which will leave in the Treasury, Dec. 1, 1831 | 2,423 00 |

Respectfully submitted,

SAMUEL MERRILL.

No. 2.

Report in relation to the Loan Office, from 5th Dec. 1829,
to 4th Dec. 1830.

| | |
|--|------------------|
| Received from James Borland, Commissioner of the Seminary township in Monroe county, | 3,061 83 |
| From James Smith, Commissioner of the Seminary township in Gibson county, | 1,491 00 |
| Loans refunded by Messrs. Hoffman, Burns, Beeler, Sumner, M'Clelland, Brenton, Hill, Myres and True, | 1,290 16 |
| Interest paid on loans, | 1,500 00 |
| " on purchase money of land sold, | 42 30 |
| From land sold for non-payment of interest | 405 00 |
| | <hr/> \$7,790 39 |

| | |
|---|----------|
| During the above period loans have been made as per list accompanying to the amount of | 5,508 00 |
| Amount contracted to be paid for Wilson's land sold for non payment of interest, | 420 00 |
| Salary and percentage of Superintendent | 86 76 |
| Appropriation to Claudius G. Brown | 300 00 |
| Paid to Recorder of Gibson county | 70 75 |
| “ “ Monroe “ | 19 13 |
| Salaries of the President and Professors | 2,000 00 |

| | |
|---------|----------|
| Making, | 8,404 64 |
|---------|----------|

From the returns of Mr. Borland, Commissioner of the Township in Monroe county, it appears that he had sold previous to the 27th Nov. 1830, 206 half quarter sections of land, for \$35,133 89, of which there has been paid to him as principal, \$14,617 72, and \$3,544 49, as interest. In addition to the above, said Borland exposed to sale on the 1st Monday of May last, one of the reserved sections, pursuant to the Law of last session, and one half of it was sold for \$2,564 18. The other half remains unsold, for want of purchasers. From the returns of Mr. Smith, Commissioner of the Township in Gibson county, it appears that he had sold previous to the 10th of Nov. last, 144 half quarter sections, for \$18,702 19, of which there has been paid as principal, \$7,555 50, and \$1,368 78, as interest. There are still unsold in said township, 155 half quarter sections, including 20 half quarters in the reserved sections, near the college.

The state of the college fund is as follows:

| | |
|---|-------------|
| Rents paid by Emerson and Smith, | \$ 119 00 |
| Paid by Neely, Smith, and Wilson, for lands sold 1822 | 2,371 96 |
| Received by Borland as principal | 14,617 72 |
| “ “ “ interest | 3,544 49 |
| “ “ Smith as principal | 7,555 80 |
| “ “ interest | 1,368 78 |
| Interest paid by state and individuals, | 4,622 70 |
| There is now due as principal for lands sold in Monroe county, | 20,526 17 |
| “ “ “ “ Gibson county | 11,146 69 |
| Estimated interest, | 1,700 00 |
| Making, | \$67,573 00 |

Deductions from the foregoing, to wit:

| | |
|---|---------|
| Specific allowan ces by the Legislature | 6 20 19 |
|---|---------|

| | |
|--|-----------|
| Allowance to Superintendent, | 232 74 |
| “ Records of Gibson and Monroe, | 150 77 |
| Orders of the College Trustees | 4,919 31 |
| Amount liable to be retained by the Commis- sioners for their services, | 1,209 18 |
| Balance in favor of the College, | 60,441 32 |

Making as above, \$67,573 01

The above does not contain the amount for which the section adjoining Bloomington was sold in 1821, nor that for which the half section was sold in May last; as the proceeds of those lands have been applied to the College buildings.

On Saturday the 4th inst. the lands mortgaged by Daniel C. Lane, and James Noble were, after being duly advertised, offered for sale for non payment of interest. The tract mortgaged by Mr. Lane, was struck off to Mr. Goslie, for \$660 00 for which he has made a deposit sufficient, it is believed to ensure the payment. No bid being made for the other tract, either in cash or on credit, the superintendent concluded not to strike it off to the state until its value could be ascertained, and how far recourse could be had on the Mortgager in such case, provided the property pledged should prove insufficient. The occurrence of such a circumstance calls, it is believed, for an immediate amendment of the law in relation to the Loan Office.

It is respectfully suggested whether appraisers of property ought not to be made personally liable where this valuation is not fairly made.

Respectfully submitted,
SAML. MERRILL.

No. 3.

List of the borrowers of the Seminary fund.

| | |
|--------------------------|----------|
| Samuel and Glidden true, | \$320 00 |
| David Buchanan | 50 00 |
| Samuel True | 100 00 |
| George Haney | 50 00 |
| Jacob Turner | 200 00 |
| Amos Robertson | 300 00 |
| John Depauw | 500 00 |
| John Johnson | 300 00 |
| Thomas Johnson | 150 00 |
| James Gregory | 200 00 |
| John H. Farnham | 200 00 |
| William Sanders | 500 00 |

| | |
|-----------------------|--------|
| William Goodrich | 375 06 |
| Joseph Miller | 200 00 |
| John Reel | 80 00 |
| Solomon Reel | 100 00 |
| John Hager | 300 00 |
| Robert Wade | 300 00 |
| Francis M'Lelland | 133 00 |
| Daniel Skelly | 25 00 |
| John Richie | 125 00 |
| George W. Hardin | 200 00 |
| Basil Brown | 500 00 |
| John Kittry | 50 00 |
| Elias Poston | 250 00 |
| The above is correct. | |

S. MERRILL.

No. 4.

Payments out of the contingent fund, from the 6th of Dec. 1829, to the 4th of Dec. 1830.

| | | |
|----------------|--|--------|
| 1829. Dec. | To Jacob Fallis, for attending court martial | 1 50 |
| " " | Moses Frazee, for desk for Auditor | 8 50 |
| " 20 | Philip Hedges, for Packing Laws | 3 38 |
| " " | Thomas Stewart for attending sundry court martials | 12 00 |
| 1830. Jan. 15. | Saml. Henderson for postage | 89 19 |
| " " 30. | I. P. Griffith for copying resolutions &c. | 14 27 |
| " " | Thomas Sharpe, for copying Resolutions, &c. | 19 37 |
| " " | William H. Morrison " " | 6 50 |
| " " | M'Carty and Williams for stationary | 9 63 |
| " " | Conner and Harrison for ditto | 7 13 |
| " " | John Cain, Blank book for Secretary | 7 50 |
| " April, " | Geo. L. Kinnard, pursuing fugitive | 30 04 |
| " " " | Saml. Henderson, for postage | 33 04 |
| " " " | William H. Morrison for copying | 1 00 |
| " June. | Wm. Lewis, for list of relinquished lands | 65 00 |
| " " | P. S. Symmes, ditto. | 60 00 |
| " " | M. Morris for copying lists | 125 00 |
| " " | Saml. Henderson, for postage | 70 75 |
| " " | G. L. Kinnard, for pursuing fugitive | 50 50 |
| " " | John Baddollet, for list of relinquished lands | 90 00 |

| | | | |
|---|---------|---|---------|
| " | June, | Robert Patterson, for packing laws, | \$ 6 00 |
| " | " | E. M. Patterson, carriage of paper | 54 |
| " | " | William Young, for attending court martial | 3 00 |
| " | " | James Blake, for books and carriage | 44 95 |
| " | " | Thomas Ketero, for carriage | 1 25 |
| " | " | John Cain, for binding | 25 32 |
| " | " | M. Morris, for making lists of relinquished lands | 90 00 |
| " | " | Brown and Morrison, for stationary | 12 69 |
| " | Aug. 1. | Saml. Henderson, for Postage | 44 32 |
| | | I. P. Griffeth, for making out a list of counties, &c. | 2 50 |
| | | Jno. Mansfield, for carriage of Militia Tactics | 15 00 |
| | | A. F. Morrison, for printing Michigan Road scrip | 25 00 |
| | Nov. | I. P. Griffeth, for making out a list of canals, &c. | 2 50 |
| | | Morrison and Kinnard for printing | 22 50 |
| | | John Mansfield for carriage of Militia Tactics | 9 00 |
| | | Douglass and Maguire, for printing Michigan Road Hand Bills | 6 50 |
| | | I. N. Phipps, for stationary | 3 75 |
| | | John Cain, Blank book, for Secretary | 8 00 |

The above is correct.

S. MERRILL.

No. 5.

Expences of stationary during the year 1830, paid since the Report of last year.

| | | | |
|----------|---------|--|---------|
| | | S. and N. Lodge's Bill for Boxes | \$ 3 50 |
| 1830, | Jan. 18 | Bought of Loring and Rowan 30 R. Medium paper, | 90 00 |
| | | 2 boxes | 1 50 |
| | | 36 Reams No. 4, Royal, \$3,50 | 126 00 |
| | | 2 boxes | 1 75 |
| Jan. 30. | | Bought of Wm. Sheets, 120 Reams of Royal No. 3, \$4 25 | 510 00 |
| | | 150 R. Med. No. 5, 3,00 | 450 00 |
| | | 20 R. Cold pressed post No. 1, 3,75 | 75 00 |
| | | 20 " " " " 2, 3,25 | 65 00 |
| | | 10 Cap " No. 3, 2,75 | 27 50 |

| | | | |
|---------------|--|------------------------------------|--------|
| | | 3 Royal envelope 5,00 | 15 00 |
| Feb. 9, 1830. | | Paid John Brandon for carriage | 15 00 |
| " 11 " | | Geo. Gibbs for carriage | 12 90 |
| Sept. 7 " | | Adam Beattle | 9 36 |
| 18 " | | Daniel Closser | 2 25 |
| 17 " | | Robert Goudy | 53 00 |
| 27 " | | Bought of Wm. Sheets 34 1/2 Ream's | |
| | | No 5, \$3,00 | 102 75 |
| | | 8 Royal 3, 4,25 | 34 00 |
| Nov. 20. | | Joshua Gloyer | 13 00 |

1,607 56

The above is correct.

S. MERRILL.

Mr Worth from the Joint committee on enrolled bills, now reported, that they had compared the enrolled with the engrossed joint resolutions of the following titles, to wit:

"A Joint Resolution to extend time to the commissioners of the Michigan Road, to report their proceedings," and a

"Joint Resolution authorizing the district court to hold its session in the house erected upon the Governor's circle, during the present session of the General Assembly," and find them truly enrolled.

A message from the House of Representatives, by Mr. Sheets, their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed enrolled Joint Resolutions of the following titles, viz:

"A Joint Resolution to extend time to the commissioners of the Michigan Road, to report their proceedings;" and

"A Joint Resolution authorizing the district court of the United States to hold its session in the house erected on the Governor's circle, during the present session of the General Assembly."

I am directed to bring the same up to the Senate for the signature of their President, which, having been signed by the President, were delivered to the committee on enrolled Bills, to be presented to the Governor for his approval and signature.

Mr. Fletcher, from the Joint committee on enrolled bills now reported that they did on this day, present to the Governor, for his approval and signature, the following enrolled Joint Resolutions, to wit:

A Joint Resolution to extend time to the commissioners of the Michigan Road, to report their proceedings; and,

A Joint Resolution authorizing the District court to hold its session in the house erected upon the Governor's circle during the present session of the General Assembly.

Mr. Linton moved to take up the resolution relative to going into an election for United States Senator, to fill the place of the Hon. Wm. Hendricks, which motion was decided in the affirmative.

Mr. Linton then moved to amend said resolution by striking out these words, "*to-morrow*," and insert the following: "*Saturday the 18th inst.*" which was determined in the affirmative.

And on the question "shall said Resolution be adopted? it was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof, and a similar resolution on their part requested.

On motion of Mr. Fletcher,

Resolved, That the Agent of State for the town of Indianapolis, furnish for the use of the Senate a map or plat of the town of Indianapolis, and that he designate on such map the number of lots and blocks sold at each sale, also the number paid out, relinquished or forfeited, also that he furnish a statement of the amount of money on hand arising from such sales; and the amount yet due, together with a statement of the quantity of land belonging to the Donation, not yet laid out into squares.

A message from the Governor by Mr Forsee, his private Secretary.

Mr. PRESIDENT.

His Excellency the Governor, has requested me to lay before the Senate his acceptance of the resignation of Wm. W. Wick, Esqr. Prosecuting Attorney of the fifth Judicial circuit in this State.

EXECUTIVE DEPARTMENT,
Ind'a. Ind's. Dec. 11, 1830.

HON. PRESIDENT OF THE SENATE:

SIR: I have received and accepted the resignation of Wm. W. Wick, Prosecuting Attorney of the fifth Judicial Circuit in this State. Be pleased Sir, to communicate this to the Senate.

Respectfully, &c.

JAMES B. RAY.

The Senate proceeded to consider the orders of the day.

The Engrossed Bill from the H. of Representatives chang-

ing part of the State road leading from New Castle in Henry county, to Crawfordsville in Montgomery county, was read a second time.

Ordered, That it pass to a third reading.

The bill to amend an act entitled "An act to provide for the removal of obstructions to the navigation of Eel river, was read the second time.

Mr. McKinney moved that it be committed to a committee of the whole Senate, and made the order of the day, for to morrow, and before the question was taken,

On motion of Mr. Fletcher,

Ordered, That it lie on the table.

The bill to amend "An act to regulate general elections, approved January 7, 1818," was read a second time.

On motion of Mr. Pennington,

Ordered, That it be referred to the committee on elections.

The bill concerning a certain School section therein named, was read a second time.

On motion of Mr. Blair,

Ordered, That it be referred to the committee on Education.

The Engrossed bill from the House of Representatives, to authorize the Judges of the Vermillion circuit court to hold a special session, was read a second time.

Mr. Morgan, moved to refer said bill to the committee on the Judiciary, which was decided in the negative.

Ordered, That it pass to a third reading.

The Engrossed bill from the House of Representatives supplemental to "An act for the appropriation of money to aid in building a bridge over Plum creek, was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Pennington,

The Senate now according to order, went into a committee of the whole, upon the "Joint Resolution of the General Assembly, authorizing the compilation and revision of the statute laws of Indiana."

Also, a communication of the Governor, and sundry resolutions upon the same subject,—and after some time spent therein, the President resumed the chair, and

Mr. Blair reported progress, and asked leave to sit again, which leave was granted by the Senate.

The President laid before the Senate the following communication, and annual report of the Auditor of Public accounts.

AUDITOR'S OFFICE,
Indianapolis, Dec. 11, 1830.

SIR:—Herewith is laid before you the annual Report of receipts and expenditures - from December 5th, 1829, to December 4th, 1830.

I am respectfully, sir,
Your ob't. serv't.

MORRIS MORRIS,
A. P. A.

HON. MILTON STAPP,
President of the Senate.

AUDITOR'S OFFICE,
Indianapolis, Dec. 10, 1830.

In obedience to the "Act concerning the Auditor of Public Accounts, and the Treasurer of State, the following report of Receipts and Expenditures, on account of the State of Indiana, is respectfully submitted.

There was remaining in the Treasury
on the 5th day of Dec. 1829, provided all claims audited to that date, were paid

9,961 63

Since the above period there has been paid into the treasury on account of balance due for the year 1820,

| | |
|-------|---------|
| 1820, | \$16 43 |
| 1822, | 69 11 |
| 1823, | 73 20 |
| 1825, | 620 00 |
| 1826, | 621 76 |
| 1827, | 181 29 |

| | |
|-------------------------------|-----------|
| From Collectors revenue 1829, | 29,352 73 |
| " " " 1830, | 3,846 22 |

| | |
|--------------------------------------|----------|
| The agent of State, for Indianapolis | 3,839 95 |
|--------------------------------------|----------|

| | |
|----------------|----------|
| Seminary funds | 4,552 83 |
|----------------|----------|

| | |
|-------------|--------|
| Mortgaged " | 405 00 |
|-------------|--------|

| | |
|----------------|----------|
| Loans refunded | 1,290 16 |
|----------------|----------|

| | |
|-------------------------|----------|
| Interest Seminary funds | 1,542 40 |
|-------------------------|----------|

4,644 08

56,372 71

| | |
|------------------|-----------|
| From Canal funds | 18,709 25 |
|------------------|-----------|

| | |
|-----------------------|-------|
| Estates without heirs | 50 77 |
|-----------------------|-------|

| | |
|--------------------------|-------|
| Unlisted lands and polls | 40 33 |
|--------------------------|-------|

| | |
|---------------------|-------|
| Conscientious fines | 33 31 |
|---------------------|-------|

| | |
|-----------------------|------|
| Penalty on Collectors | 8 89 |
|-----------------------|------|

| | |
|--------------|-------|
| Salt Springs | 90 85 |
|--------------|-------|

Making in all,

\$75,306 11

Since the above period, there has been audited for public printing and stationary

3,336 21

R

For expence of last General Assembly
including pay of Members, Clerks

| | |
|--|-------------|
| and Door keepers | 12,041 02 |
| For salaries of Executive officers | 2,200 00 |
| Judiciary | 5,810 80 |
| Probate Judges | 1,273 50 |
| Prosecuting Attorneys | 1,037 55 |
| Militia officers | 154 86 |
| State Seminary | 2,676 64 |
| Wabash and Miami Canal fund | 1,902 56 |
| Michigan Road | 1,204 50 |
| Seat of Government | 398 92 |
| Specific appropriations | 2,202 64 |
| Electors | 10 00 |
| State Prison | 507 32 |
| State Library | 113 12 |
| Rock Lick | 30 00 |
| Wolf Scalps | 626 50 |
| Conscientious fines | 21 00 |
| Seminary funds, loaned upon Treas- | |
| urer's Report | 5,928 00 |
| Contingent expences per Treasurer's | |
| Report for the year 1830 | 1,026 08 |
| Which, deduct from \$57,306 11 (re- | |
| ceipts,) leaves a balance in the treas- | |
| ury, on the 5th day of Dec. 1830, | |
| provided all claims audited to that | |
| date have been paid | \$33,794 89 |

The amount of assessments for the present year, as certified by the clerks of the several counties is 41,117 96, from which, after deducting 7,617 96 delinquences and other expences, will leave for the Treasury \$33,500.

The amount of old delinquencies paid into the Treasury during the present year, is \$1,581 79. It is probable that but little more will be collected of those old claims, so that they cannot be relied on with any certainty, as making a part of the Revenue.

Respectfully submitted,

MORRIS MORRIS,

Auditor Public Accounts.

And the Senate adjourned until Monday morning, 9 o'clock

MONDAY, DECEMBER 13th, 1830.

The Senate assembled.

The President laid before the Senate the following communication, from the President of the Board of Trustees of Indiana college, to wit:

Bloomington, November 30th, 1830.

HON. MILTON STAPP,

SIR: Enclosed I send you the report of the Trustees of Indiana College, which you will please lay before the Senate, and oblige your

Obedient Servant,

D. H. MAXWELL,

Pres. Board Trust. Ind. College.

Which was read and with the Report enclosed referred to the Committee on Education.

A message from the House of Representatives by Mr. Sheets, their Clerk.

MR. PRESIDENT.

The House of Representatives has adopted the following resolution, viz:

Resolved, That the House of Representatives reciprocate the resolution of the Senate, fixing the time for the election of Circuit Judges and prosecutors, and request the attendance of the Senate in the Hall of Representatives, at the time proposed in said resolution for that purpose; and that seats be provided for them on the right of the Speaker's chair.

Resolved, That the House of Representatives reciprocate the resolution of the Senate, appointing Saturday the 18th inst., at 2 o'clock P. M. as the time appointed for an election for United States Senator, in the room of the Hon. Wm. Hendricks, whose term of service will expire on the 4th of March next, and that seats be provided for them on the right of the Speaker's chair.

A message from the Governor by Mr. Forsee his private Secretary.

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the Senate, that he has on this day approved and signed the following Joint Resolutions, to wit:

"A Joint Resolution authorizing the District Court of the United States, to hold its session in the House erected on the

Governor's Circle, during the present session of the General Assembly," and,

"A Joint Resolution to extend time to the Commissioners of the Michigan road to report their proceedings."

Mr. Graham, presented the petition of Clark McAfee and others, citizens of Jackson county, praying the vacation of a certain part of the State road, leading from Indianapolis to Mauk's ferry on the Ohio river.—Which was read,

And on motion of Mr. Graham, referred to a select committee, to consider and report thereon.

Ordered, That Messrs. Graham, Depauw, and Pennington, be the committee.

Mr. Givens, from the committee on Elections, to which was referred the credentials of the recently elected Senators, reported, that they had had the same under their consideration, and find the following gentlemen duly elected Senators for the term of three years, from and after the first Monday in August, 1830, to wit:

From the county of Harrison—*Dennis Pennington*.

From the counties of Knox, Daviess, and Martin—*John Ewing*.

From the counties of Jackson, Scott, and Bartholemew—*William Graham*.

From the counties of Crawford, Perry, and Spencer—*Samuel Frisbie*.

From the counties of Monroe, Green and Owen—*James Whitcomb*.

From the counties of Posey, Venderburgh, and Warrick, *Thomas Givens*.

From the counties of Park, Vermillion, Fountain, and Warren—*James Blair*.

From the counties of Putnam, Montgomery, Carroll, Tippecanoe, and Clinton—*Joseph Orr*.

Ordered. That the report be concurred in.

Mr. Stephens from the Committee on the Judiciary to which was referred a resolution of the Senate, directing an inquiry, whether by the statutes and laws respecting bastardy, it is the duty of the Prosecuting Attornies of the State in the several circuit courts, to attend to, and prosecute actions of bastardy, for the support and maintainance of illegitimate children, and whether said Attornies, are entitled to a docket fee in such cases. *Reported*.

That Prosecutions of bastardy for the maintainance of illegitimate children, are carried on in the name of the State, but

that it only can be done on the relation of the mother of the child, or of the overseers of the poor, of the proper township; and the prosecution is solely for their benefit,--and the state has no interest therein.

Therefore, the committee are of opinion that it is not a part of the official duties of the Prosecuting Attornies of the State, to attend to, & prosecute the same; nor are they bound officially as such Attornies to attend to the same.

As to the docket fee, the committee believe that the successful party is entitled to recover, as a part of the costs to be taxed up, a docket fee of two dollars and fifty cents in bastardy cases, as in other cases, between individuals, where by law the docket fee is not more than two dollars and fifty cents.

The Committee are not of opinion, that either the law or practice in those cases, is in any way so obscure that any amendment or explantion is necessary; therefore, they ask to be discharged from further inquiry. Which was read and concurred in.

Mr. Stevens, from the committee on the Judiciary, to which was referred a resolution of the Senate, directing an inquiry into the statutes regulating divorces, and to report whether the prosecuting attornies for the state in the Judicial Circuits, are required to attend to and oppose the granting of divorces, and if so, whether they are allowed a docket fee, in cases where the petitioners fail to prosecute their petition to effect, and judgment is rendered against them for costs.

Reported, That it is clearly the opinion of the committee, that the 10th section of the act organizing circuit courts, as published in the revised code, page 127, makes it the duty of these attornies to attend to and oppose all applications for divorces, in the circuit courts of their respective circuits; and that by the act regulating fees, revised code, page 201, they are expressly allowed a docket fee to be paid by the applicant where the divorce is not granted.

It is however, well known to the committee, that there are doubts about the matter, and that a diversity of practice in the different Judicial circuits has prevailed, to remedy which evil they herewith present a bill for the consideration of the Senate.

Which was read and concurred in, and the Bill reported to wit:

A Bill amendatory of the act granting divorces was read a first time, and *ordered* to a second reading.

Mr. Whitcomb, from the select committee to which was referred the Bill to provide for a State road from Spencer in Owen county, *via* Bloomington in Clay county, to Terre-Haute in Vigo county; reported that they had discharged that duty by striking out said bill from the enacting clause, and in lieu thereof inserted five new sections, which was read and concurred in.

Ordered. That it lie on the table.

On motion of Mr. Morgan,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund on the state road leading from New Castle in Henry county, by way of Rushville to Greensburg in Decatur county, with leave to report by bill or otherwise.

On motion of Mr. Claypool,

Resolved, That the committee on roads be directed to inquire into the propriety of so changing the present road law, as to make the overseers of roads, answerable before a Justice of the Peace, for any neglect of duty.

On motion of Mr. Fletcher,

Resolved, That the committee on roads inquire into the expediency of reporting a bill for the appropriation of a portion of the 3 per cent fund, to the clearing out and improving the navigation of the East and West branches of White river, and the main branch thereof, until its junction with the Wabash.

Mr. Linton moved the adoption of the following Resolution.

Resolved, That the committee on Canals and Internal Improvements, be instructed to inquire into the expediency of memorializing Congress for a grant of land, equal to the quantity granted to the Erie and Wabash canal, for the purpose of constructing a Canal from Indianapolis to some point on said canal, and also, into the expediency of having the state Engineer make a survey of the country, between Indianapolis and the Wabash, or its tributaries, with a view of ascertaining the practicability and cost of such a work.

Mr. Graham moved to amend said resolution, by inserting after the words "said canal," the following: "and from Indianapolis, to the Falls of the Ohio," and

On motion, ordered that said resolution lie on the table.

On motion of Mr. Ewing, the following resolution was adopted, to wit:

Inasmuch as it is thought that the College of Indiana at Bloomington, might render essential service, and recommend itself as a public benefactor, by devoting a portion of its abundant means to the investigation of the Geology and Mineralogy of the state, and promulging the researches of science to our citizens:

Resolved, That the committee on Education be instructed to inquire into the expediency of requesting the Trustees of said college, to institute a professorship of Geology and Mineralogy, and appoint a qualified professor thereof, whose duty it shall be rendered, to make a thorough Geological examination of our state, acquire a collection of state specimens for his cabinet, and report all the useful discoveries for the practical benefit of the country.

On motion of Mr. Graham,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, on the road from Madison to Brownstown.

Mr. Whitcomb moved the adoption of the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of more fully providing by law, for checking the emigration and settlement of free persons of colour, within the limits of this state.

Mr. Graham, moved to amend said resolution, by making it "*imperative*" upon the committee to report.

On motion of Mr. Pennington,

Ordered, That it lie on the table.

On motion of Mr. Gregory, the orders of the day were dispensed with.

On motion of Mr. Pennington,

The Senate again resolved itself into a committee of the whole, upon the Joint Resolution, and sundry resolutions relative to the revision and compilation of the laws; and after some time spent therein, the President resumed the chair, and Mr. Blair reported the following resolutions, to wit:

1st. *Resolved*, That it is expedient that a full and complete compilation and revision of the statutes of the state should be made, during the present session of the General Assembly.

2nd. *Resolved*, That a committee of revision, to consist of five Senators, be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives with authority to make said compi-

lation and revision, and draw the same up in the form of bills, and report the same for enactment.

3rd. That the said Joint committee of revision be, and they are authorized to appoint sub-committees of the members of the Senate and House of Representatives, and apportion among such sub-committees, separate portions of the law to aid in such compilation and revision, and to employ the necessary number of clerks to enable them to perform the duties assigned them, at as early a day in the session as possible.

4th. *Resolved*, That the House of Representatives be informed of the foregoing resolutions, and their concurrence requested, and a similar committee on their part appointed,—and on the question will the Senate concur in said amendment, the Ayes and Noes were called for, by Messrs. Fletcher, and Blair.

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Givens, Gregory, Lemon, Lomax, Morgan, McKinney, Orr, Pennington, Sering, Whitcomb, and Worth—13.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Frisbie, Graham, Linton, Robb, Stevens, and Watts—9.

So said amendment was concurred in.

Ordered, That Messrs. Stevens, McKinney, Whitcomb, Graham, and Linton, be the committee of revision, on the part of the Senate.

Ordered, That the Joint Resolution relative to the revision and compilation of the Statute laws, be indefinitely postponed.

On motion of Mr. Gregory,

Resolved, That the Secretary of the Senate, be instructed respectfully to address a note to Gen. Jonathan McCarty, who is now in this place, and learn as near as possible the amount of land sold in the land district at Fort Wayne, of which he is receiver of public monies, that had been previously selected by the Michigan road commissioners, for the opening of said road.

Mr. Gregory, offered for adoption, the following preamble, and resolution, to wit:

Whereas, In the examination of the documents relating to the Michigan road, referred to the standing committee on roads, they find it set forth by the Secretary of the Treasury, as one objection for not withholding from the sale the land

selected by the road commissioners, that a plat of said road had not been forwarded to the proper Department, in consequence of which the length of said road was not known.

Therefore, *Resolved* by the Senate, that Wm. Polk, Esqr. one of the road commissioners, be requested forthwith, to make out a complete plat of said road, with the necessary field notes of the surveys and explanations annexed thereto, so that the same may be forwarded as early as possible to the proper department:

On motion of Mr. Gregory,

Ordered, That it lie on the table.

On motion of Mr. Ewing,

Resolved, That the Secretary of State be instructed to transmit to this House, the report filed in his office by Samuel Hanna, William Polk, and A. McClellan commissioners of the Michigan road,—and that the said document and all others accompanying it, the plat, bill of fare and accounts only excepted, be placed in the hands of the public printer, and 500 copies thereof be furnished forthwith.

On motion of Mr. Lemon,

Resolved, That the committee on Military affairs be instructed to inquire into the expediency of dividing the Militia into two classes, the first, or active class, to be composed of men between the ages of 18 and 35 years, who shall be required to drill four times in each, and every year, armed and equipped as the law directs:

2ndly, The second or sedentary class, shall be composed of men over 35, and under 45 years, who shall be required to drill only once in each year.

Mr. Pennington, moved to take up the resolution relative to printing the Journals of the Senate, which was decided in the affirmative.

Said resolution was then amended by filling the blank with 700 copies, and

On the question, shall the resolution pass as amended, it was determined in the affirmative.

Mr. Fletcher, presented the claim of Uriah Gates, for work done on the State-House.

Ordered, That it be referred to the committee on claims, to consider and report thereon.

The President laid before the Senate, the report of the Secretary of State, of the enumeration of the white male in-

habitants above the age of 21 years in this state, which was read, and

On motion of Mr. Morgan,

Ordered, That it be referred to the same select committee, to which was referred that part of the Governor's message, relative to the apportionment of Senators and Representatives, and that 100 copies be printed for the use of the Senate.

The President laid before the Senate, the following communication, and report of the Michigan road commissioner, to wit.

INDIANAPOLIS, }
Dec. 13, 1830. }

HON. MILTON STAPP,

President of the Senate,

SIR:—Herewith you have a report of my proceedings on the Michigan road, which you will please lay before the Senate: an adjournment on Saturday, prevented a report on that day.

I have the honor to be

Your most ob't. serv't.

N. NOBLE.

Which report was read and referred to the committee on Roads.

Ordered, That the public printer, print for the use of the Senate, 300 copies thereof.

A message from the House of Representatives by Mr. White, their assistant Clerk.

MR. PRESIDENT:

The House of Representatives has passed the following resolution:

Resolved, That the Senate be informed that the House of Representatives is now ready to go into the election of Judges and Prosecutors; and that Mr. Ferris has been appointed teller on the part of the House, and that the Senate be invited to attend instantler.

Whereupon, the Senate repaired to the Representatives Hall, and took their seats on the right of the Speaker's chair, when both Houses of the General assembly proceeded by joint ballot to the election of a President judge of the first judicial circuit, and on counting the ballots John R. Porter was elected, he having received a majority of all the votes given, and was by the President of the Senate, in the presence of both Houses of the General Assembly, declared elected Presi-

dent Judge of the first Judicial circuit, for the term of seven years from and after the 18th day of December, inst.

Both Houses of the General Assembly, then proceeded by joint ballot to elect a President Judge of the second judicial circuit, and on counting the ballots, John F. Ross, was found to be elected; he having received a majority of all the votes given, and was by the President in the presence of both Houses of the General Assembly, declared to be elected President Judge of the 2nd judicial circuit, for the term of seven years, from and after the 18th day of December, inst.

Both Houses of the General Assembly, then proceeded by joint ballot to elect a President Judge of the third judicial circuit, and on counting the ballots, it was found that Miles C. Eggleston was elected; he having received a majority of all the votes given, and was by the President in the presence of both Houses of the General Assembly, declared to be elected President Judge of the third judicial circuit, for the term of seven years, from and after the 18th day of December, inst.

Both Houses of the General Assembly, then proceeded by joint ballot, to the election of a Prosecuting Attorney, of the 2nd judicial circuit, and on counting the ballots, John H. Thompson, was found to be elected, he having received a majority of all the votes given, and was by the President, in the presence of both Houses of the General Assembly, declared to be elected Prosecuting Attorney, for the 2nd judicial circuit, for the term of two years, from and after the 30th of December, inst.

Both Houses of the General Assembly then proceeded by joint ballot, to the election of a Prosecuting Attorney, of the 4th judicial circuit, and on counting the ballots Charles I. Battelle, was found to be elected, he having received a majority of all the votes given, and was by the President, in the presence of both Houses of the General Assembly, proclaimed to be elected Prosecuting Attorney, of the 4th judicial circuit for the term of two years, from and after the 30th day of December, inst.

Both Houses of the General Assembly, then proceeded to the election of a Prosecuting Attorney, of the fifth judicial circuit, and after two ballotings Philip Sweetser, was found to be elected, he having received a majority of all the votes given, and was by the President, in the presence of both Houses of the General Assembly, proclaimed to be elected Prose-

cuting Attorney, of the fifth judicial circuit, for the term of two years, from and after this day.

And the Senate returned to their chamber, and adjourned.

TUESDAY, DECEMBER 14th.

The Senate assembled.

Mr. Stevens, from the committee on the Judiciary, to whom were committed a resolution of the Senate, requiring an inquiry into the expediency of authorizing called sessions of the Circuit Courts, in certain cases, having obtained leave,

Reported, That at the last session of the General Assembly, the Executive, in his Message, drew the attention of the Legislature to the subject above referred, and the Senate directed the committee on the Judiciary to inquire into it.— That committee made the inquiry, and reported unfavorably to the proposition, which report the Senate concurred in, and discharged the committee from the further examination. This committee have examined that report, as it stands recorded on the Senatorial Journal of last session, page 101, and are satisfied with it. Therefore they ask to be discharged from the further examination of the matters referred in the aforesaid resolution.

Which was read and concurred in.

Mr. Stevens, from the committee on the Judiciary, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of so amending the law, regulating the duties of Justices of the Peace, as to require the appellant to file the transcript, documents and appeal papers in the office of the circuit court clerk, instead of the Justice of the Peace, as is now required, after obtaining leave,

Reported, That some years since the law did require the appellant to perform that duty, and that the law in that particular was changed in consequence of evils growing out of the practice under that provision.

As the law now stands the appellant is bound to enter into an appeal bond before the justice, with sufficient securities; and that stops all proceedings before the justice, and the justice is thereupon required to file a transcript of his judgment and proceedings, together with appeal bond and the cause of action in the office of the circuit court clerk, and in that way

the rights and interests of all parties are secured. But if the transcript, appeal bond, cause of action and other papers and documents, were by the Justice of the Peace delivered to the appellant to convey to, and file in the circuit court clerk's office, the appellee would be left in a very unsafe situation, his adversary being possessed of the judgment, appeal bond, cause of action and other papers and documents, could as easily carry them to a foreign country and never return, as to carry them to the clerk's office, or he might withhold them or totally destroy them, and not only produce unlawful delay, but perhaps put the appellee to much trouble and expense; and in some instances cause him finally to lose his demand.

From this view of the case, the committee deem it inexpedient to make the change suggested by the resolution. Therefore, they ask to be discharged from further inquiry.

Ordered, That the committee be discharged.

The President laid before the Senate the following communication, from the Secretary of State:

HON. MILTON STAPP,

President of the Senate:

In obedience to a resolution of the Senate this day adopted, I herewith transmit the Report of the commissioners of the Michigan road lands, filed in the Secretary's office on the 10th instant.

I have the honor to be,

Respectfully, &c.

JAMES MORRISON.

Dec. 13th, 1830.

Which, together with the report, was read, and referred to the committee on roads.

The President laid before the Senate, the following communication, from the Treasurer of State, to wit:

TREASURER'S OFFICE. }

Déc. 13th, 1830. }

TO THE SENATE:

The Treasurer in obedience to a resolution of the Senate, directing him to lay before the Senate, a statement of the whole amount of money expended in locating, surveying, marking, &c. the Wabash and Erie Canal, selecting and selling the lands, together with other expenditures in relation thereto, begs leave to report, that it is not in the power of the Treasurer, by the papers in his office, to ascertain the facts desired to be communicated in said resolution. The pay-

ments at the Treasury are made on the warrant of the Auditor, which does not usually specify any particulars, neither does the Auditor's office at this time, contain those items, for the commissioners have not yet reported in relation to their last proceedings.

| | |
|---|----------|
| The Treasury books shew the following payments, to wit: | |
| To Jeremiah Sullivan | \$180 00 |
| To the Canal Commissioners, on their orders | 2,740 06 |
| To John Cain, for Blank books, | 100 00 |
| To the Auditor and Treasurer, 1 qr's. salary, | 62 50 |

| | |
|---------------|------------|
| Making in all | \$3,082 56 |
|---------------|------------|

I have the honor to be, &c.

SAML. MERRILL.

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Blair presented the petition of John Kags, and others, citizens of Parke county, praying for an alteration of the State road from Green Castle, via Rockville and Baird's mills to Newport, in Vermillion county.

Which was read, and on motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Orr, and Gregory, be the committee.

Mr. Robb presented the petition of James Ritchwhy, and others, citizens of Pike county, praying the location of a State road from Corydon in Harrison county, to Petersburg in Pike county.

Which was read, and,

On motion of Mr. Robb, referred to the committee on roads.

Mr. Whitcomb presented the petition of Benjamin James, and others, citizens of Monroe county, praying certain relief:

Which was read, and,

On motion of Mr. Whitcomb, referred to the committee on Education.

Mr. Whitcomb from the Judiciary committee, to which was referred the petition of Jonathan Legg,

Reported, That they had had the same under consideration, and directed him to report a bill for his relief,

Entitled a bill for the relief of Jonathan Legg:

Which was read the first time:

Ordered. That it pass to a second reading.

Mr. Linton from the committee on Education, to whom was referred the petition of Barnabas Annable, and others, praying the establishment of a System for "Free and equal education," and suggesting the application of certain funds of the State to that object,

Reported, That they duly appreciate the enlightened, and philanthropic views of the petitioners, and fully accord in the sentiment, that, upon the intelligence and virtue of the people, hang all the hopes of the republic, and that as Legislators for the public welfare, the General Assembly of Indiana, is called upon at this and at all times, to put into motion every legitimate means for placing within the reach of its citizens, whether rich or poor, the power of educating their children. Neither the committee, however, nor the body of which they are members, can divert from their appropriate channels or objects, any of the funds of the State. The Legislature can only so far control them, as to provide for their augmentation and application to the specific purposes of their creation.

The funds which are accumulating in the several counties, for the purpose of erecting county Seminaries, might be added to the proceeds of the 16th sections, but the aggregate would fall far short of a sufficient fund to meet the exigencies of a free school system. It is therefore conclusively the true interest of the several counties, to concentrate their limited means and their efforts for the purpose of accomplishing the establishment of respectable seats of learning in each of them. A due regard to the subject of these funds for the past few years, would by this time, have ensured, to a majority of the counties, Seminaries from which much good might now be realizing, and impressions more favorable to the introduction of a system of free and equal education be made in the country.

Over the College lands we cannot now, and if we could, exercise such power as to make them subservient to the purpose of free schools, it would be of questionable expediency.—The ample funds of that institution scattered over the State, would avail nothing, even when aggregated with the Seminary funds, toward covering the calls of a general system of free school education, but let the college grow into notice under its present organization—let it rest upon its resources, and under the auspices of the General Assembly, and countenance of the people, the committee doubt not, that the petitioners will, ere long, felicitate themselves, and the State at large, that a fund for its institution was so early provided.

The subject of revising and compiling all the laws now

in force, is before the Senate, and those touching school lands, school districts, and erection of new districts will undergo a general supervision. Various resolutions of the Senate are now before the committee, and in due time it will become their duty to respond to their several suggestions. In doing this a bill may be presented to the consideration of the Senate, which will meet as far as practicable the views of the petitioners. Whether it might not be the interest of the country to have the proceeds of its school lands, and such sum in addition as the townships might raise, paid into the State Loan Office, and loaned by the State, under a guarantee to the townships of a fixed rate of interest upon the fund so constituted, and an equal sum from the State Treasury; so as to establish a school fund upon the plan successfully adopted in some of the States, is a question not suggested by the petition or before the committee, but of deep concern to the people.

The committee ask to be discharged from the further consideration of the petition.

Mr. Lemon from the select committee, to which was referred a Joint Resolution of the General Assembly, relative to the Illinois Grant, *Reported*, the same with an amendment.

Which was read and concurred in.

Said Joint Resolution was then ordered to be engrossed for a third reading.

On motion of Mr. Sering,

Resolved, That the committee on roads be instructed to inquire into the propriety of appropriating a portion of the 3 per cent fund, to be expended in the improvement of that part of the State road leading from Indianapolis to Madison which lies between Clifty and Sand Creek, in the counties of Bartholomew and Jennings.

On motion of Mr. Fletcher,

Resolved, That the committee on Elections be requested to inquire into the propriety of amending the act for the formation of Congressional districts and for the election of Senators and Representatives to Congress, approved Jan. 30th, 1824, so as to include in one district, the new counties laid off since the passage of said act, and which are now included within the limits of two of said districts.

On motion of Mr. Givens,

Resolved, That the committee on roads, be instructed to inquire into the expediency of appropriating a portion of the 3 per cent fund, on the State road from Mount Vernon in Po-

sey county to Collin's ferry on the Wabash, with leave to report by bill or otherwise.

On motion of Mr. Blair,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the 3 per cent fund, for the improvement of the State road from Indianapolis via Danville, Rockville and Montezuma, to the State line in the direction of Springfield, in the State of Illinois.

On motion of Mr. Gregory,

Resolved, That the communication of Mr. Barbour, late Secretary of War, now on file in the Secretary's office, be printed with the report and documents of the Michigan road commissioners.

Mr. Linton moved to take up the resolution relative to the survey of a canal route, from Indianapolis to some point on the Erie and Wabash canal, and for other purposes. Which was decided in the negative.

Mr. Gregory introduced a Joint Resolution of the General Assembly, on the subject of the Michigan road, which was twice read.

Mr. Robb moved to amend said resolution by inserting after the word "that," the following, "the Secretary of State, be and he is hereby authorized to transmit to the Commissioner of the General Land Office, a copy of the map and field notes of the Michigan road, as on file in his office, when,

On motion of Mr. Sering, said resolution, with the proposed amendment, was referred to a select committee:

Ordered, That Messrs. Sering, Gregory and Robb, be the committee.

Mr. Ewing introduced a Joint Resolution, to instruct the Secretary of State, which was read the first time.

Ordered, That it pass to a second reading.

Mr. Linton introduced a Bill to provide for a State road from Terre Haute, in Vigo county, via Carlisle, in Sullivan county, to Mount Pleasant, in Martin county, which was read a first time.

Ordered, That it pass to a second reading.

Mr. Clendenin introduced a Bill appropriating a part of the 3 per cent fund to the building of a bridge across Lost river, and for other purposes, which was read the first time:

Ordered, That it pass to a second reading.

The Senate proceeded to consider the orders of the day.

The Bill amendatory of the act granting divorces, was read a second time, and,

On motion of Mr. Fletcher, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to provide for the relocation of the State road from Bono to Terre Haute, was read a second time, and,

On motion of Mr. Clendenin,

Ordered That it lie on the table.

The Bill to amend "an act regulating the practice in suits at law," approved January 30th, 1824, was read a second time, and,

On motion of Mr. Pennington,

Ordered, That it lie on the table.

The Bill amendatory of the several acts providing for assessing and collecting the revenue, was read a second time, and,

On motion of Mr. Claypool,

Ordered, That it lie on the table.

The engrossed joint resolution for the relief of William Lindsey, and others, was read the third time, and on the question, shall this Joint Resolution pass, the ayes and noes were called for by Messrs. Linton and Frisbie.

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Frisbie, Givens, Graham, Gregory, Lomax, Morgan, McKinney, Orr, Robb, Sering, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Fletcher, Linton, Pennington, and Watts—6.

So said joint resolution passed.

Ordered, That the Secretary inform the House of Representatives thereof, and request their concurrence.

The engrossed bill from the House of Representatives entitled an act changing part of the State road leading from the town of New Castle in Henry county, to Crawfordsville in Montgomery county, was read the 3d time and passed.

Ordered, That the House of Representatives be informed thereof.

The Engrossed Bill from the House of Representatives, entitled an act to authorize the judges of the Vermillion Circuit Court, to hold a special session, was read a third time, and,

On motion of Mr. Pennington,

Ordered, That it lie on the table.

Mr. Sering, from the select committee, to which was referred, a joint resolution of the General Assembly, on the subject of the Michigan road, having obtained leave, reported the same with an amendment, which was read and concurred in.

Ordered, That said joint resolution be engrossed for a third reading.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Ewing, having obtained leave, offered for adoption, the following resolution, to wit:

Resolved, That the select committee appointed to report on so much of the Governor's Message as relates to the apportionment of Senators and Representatives, be instructed to report a bill fixing the ratio for a Senator at and that for Representatives at polls, or as near thereto as may be found practicable.

And on motion of Mr. Morgan,

Ordered, That it lie on the table.

Mr. Lemon having obtained leave, offered for adoption the following resolution, to wit:

Resolved, That the committee on Ways and Means, be instructed to inquire into the expediency of reducing the tax on brass clocks, to 50 cents, also to take into consideration, the propriety of taxing clocks made of wood, or of wood and brass, or of other materials, and,

On motion of Mr. Pennington,

Ordered, That it lie on the table.

And the Senate adjourned.

WEDNESDAY, DECEMBER 15th, 1830.

The Senate assembled.

Mr. Fletcher presented the petition of James Blake and others, citizens of Marion county, praying that further time be allowed them to build a steam mill, upon the tract of land set apart for that purpose, which was read, and

On motion Mr. Fletcher, referred to the committee on the

affairs of Indianapolis, to consider and report thereon.

Mr. Robb, presented the petition of Simon Morgan and others, citizens of Dubois county, praying that the county board of said county, be allowed to lay an additional tax for county purposes.

Which was read and referred to Messrs. Robb, Clendenin, and McKinney.

Mr. Linton, from the committee on Education, to whom was referred a Bill concerning the school lands in Vermillion county, after having had the same under consideration,

Reported, That the circumstances which rendered its passage desirable at the last session have ceased to exist, and therefore recommend the adoption of the following resolution.

Resolved, That "A Bill concerning the school lands in Vermillion county" be indefinitely postponed; which was read, and on the question, shall the bill be indefinitely postponed, it was determined in the affirmative.

Mr. Linton, from the committee on Education, to which was referred so much of the Governor's message as relates to certain public documents for "Indiana college,"

Reported, That they had had the same under consideration, and herewith submit a joint resolution entitled, A Joint resolution of the General Assembly of the state of Indiana, directing the Secretary of State to deliver certain public documents to the Board of Trustees of "Indiana college," which was read the first time, and passed to a second reading.

Mr. Morgan, from the committee on claims to which was referred the claim of Uriah Gates, for repairing the roof of the State House, reported that they had had that subject under consideration, and recommend that the claim be allowed, which was read, and on motion of Mr. Fletcher, laid on the table.

Mr. Ewing, from the select committee to which was referred that part of the Governor's message in relation to Asylums for the poor,

Reported, that they are satisfied that the amelioration contemplated by the system, under a wise discipline would be highly beneficial in its moral, physical and pecuniary results. The committee intending at as early a day as possible to present a memorial to congress, founded upon the suggestions in the message, now report in part, a practicable system, which, if adopted may possibly benefit the poor, and the people of the

state, until the aid of the public lands be placed at our disposal. This system is embraced in the annexed bill, entitled a bill providing for seven Asylums for the poor in the state.

Said bill was read the first time and passed to a second reading.

On motion of Mr. Watts,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a part of the three per cent fund to the improvement of the navigation of Laughrey creek from Versailles in Ripley county, to Hartford in Dearborn county, with leave to report by bill or otherwise.

On motion of Mr. Watts,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a part of the three per cent fund, to opening the State road from Madison in Jefferson county, by cross plains in Ripley county, to Lawrenceburgh in Dearborn county, with leave to report by bill or otherwise.

On motion of Mr. Watts,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a part of the three per cent fund, to open the state road from Lawrenceburgh in Dearborn county, to Rushville in Rush county, with leave to report by bill or otherwise.

On motion of Mr. Orr.

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, on the state road leading from Bloomington *via* Greencastle, Crawfordsville to Lafayette, & of extending the same to *Dés Chemins* on Trail creek or Lake Michigan.

On motion of Mr. Claypool,

Resolved, That the committee on roads be directed to inquire into the propriety of appropriating a portion of the three per cent fund to aid in building bridges over the West fork of White water river at Connersville, and also over the East fork of White water river where the road leading from Hamilton *via* Liberty, and Brownsville, to Rushville, crosses the same.

On motion of Mr. McKinney,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating five hundred dollars of the three per cent fund, to aid in the erection of a bridge

over the east fork of White water river, at the point at which the Brookville and Rushville state road crosses said river.

On motion of Mr. Clendenin.

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating part of the three per cent fund to opening the State road from Bono to Terre-Haute.

Mr. Ewing moved the adoption of the following Resolution,

Resolved, That a select committee be appointed to make an equitable and proper distribution of the three per cent fund in prospective.

Mr. Morgan, moved to amend said resolution by referring it to the *committee on roads*, when,

On motion of Mr. Linton,

It was together with the proposed amendment laid on the table.

On motion of Mr. Lemon,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating five hundred dollars of the three per cent fund, to aid in the erection of a bridge over Silver creek, at or near the mouth, on the road leading from Jeffersonville to New Albany.

On motion of Mr. Fletcher,

Resolved, that the committee on roads inquire into the propriety of appropriating some part of the three per cent fund to opening the road from Indianapolis *via* Noblesville to Logansport, and that they have leave to report by bill or otherwise.

On motion of Mr. Gregory,

Resolved, That the committee on roads, be instructed to inquire into the expediency of appropriating part of the three per cent fund for the improvement of the navigation of Blue river in Shelby county, and sugar creek from Huff's mills to its mouth, with leave to report by bill or otherwise.

On motion of Mr. Blair,

Resolved, That the committee on roads be instructed to inquire into the propriety of appropriating a portion of the three per cent fund, for the location and improvement of a state road from Perrysville in Vermillion county, through Baltimore and Williamsport to La Grange, in Warren county.

On motion of Mr. Blair,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the

three per cent fund for the improvement of a state road from Clinton in Vermillion county, to New Port, in said county.

On motion of Mr. Blair,

Resolved, That the agent of the three per cent fund be required to furnish the Senate with a statement in detail, shewing as near as may be, the amount of the three per cent fund, appropriated and expended in each county, and that the Secretary inform the Agent of the adoption of this Resolution.

On motion of Mr. Givens,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, to aid in the improvement of the navigation of Big creek in Posey county, from Blair's mill to its mouth, with leave to report by bill or otherwise.

On motion of Mr. Givens,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund to aid in the building a bridge across Big Pigeon creek in Vanderburgh county, on the state road from Fredonia to the mouth of the Wabash, with leave to report by bill or otherwise.

On motion of Mr. Orr,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, to improve the state road from Moorsville in Morgan county, by the way of Greencastle to Clinton in Vermillion county, and to the state line, in the direction of Vandalia in Illinois.

On motion of Mr. Ewing,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, to build a bridge over Friends creek in Martin county, on the Western mail route.

On motion of Mr. Robb,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating two hundred dollars of the three per cent fund to aid in the erection of a bridge over two bayous, which obstruct the mail route, leading from Princeton in Gibson county to Mount Carmel in the state of Illinois.

On motion of Mr. Whitcomb,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating a portion of the

three per cent fund, towards improving the navigation of the West fork of White river, from Indianapolis to its mouth, with leave to report by bill or otherwise.

On motion of Mr. Linton,

Resolved That the committee on roads be requested to bear in mind, the *Wabash fund* in appropriating the three per cent fund, and set a part its due proportion thereof, and report by bill or otherwise.

Mr. Frisbie, moved for adoption the following Resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating all the balance of the three per cent fund, to the building of a bridge or bridges, across the Ohio river, at or near the falls of the Ohio, at Jeffersonville.

Mr. Ewing, moved to amend said resolution, by striking out that part relating to the falls of the Ohio, when,

On motion of Mr. Claypool,

Ordered, That it lie on the table.

Mr. Ewing, moved to reconsider the vote, on the adoption of the resolution offered by Mr. Whitcomb, relative to the improvement of the navigation of the West Fork of White river, which was decided in the negative.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has adopted the following resolution, viz:

Resolved, That the House of Representatives reciprocate the resolutions of the Senate, for the compilation and revision of the Statute laws of this State, and that a committee of revision, consisting of five members be appointed on the part of this House, with authority to appoint sub-committees, and employ Clerks, in conformity with said Resolutions.

Messrs. Hillis, Kinney, Ferris, Wallace of F., and Herod have been appointed said committee.

On motion of Mr. Orr,

Resolved, That the Adjutant General be requested to lay before the Senate a statement, shewing the number of Regiments, Brigades and Divisions of the Militia, within the state, and the respective boundaries or counties of which each is composed.

Mr. Ewing, moved for adoption the following Resolution.

Resolved, That the committee appointed to arrange and distribute the laws for revision, be instructed to collate the several acts systematically under their proper titles in print, as they are now in force, and suggest such imperfections, or change of phraseology as they deem proper in notes or references; also, to designate such acts or parts of acts as they think should be repealed, and recommend the passage of such new acts as such repeal might render beneficial;—also to call upon the Secretary of State for ten copies of the revised code of 1824; and ten copies of all subsequent acts to enable them to perform one portion of the duty hereby enjoined, and allow the law under each title as it now stands in print, to be read without alteration, with the changes that may be proposed; also, to procure the necessary number of copies of the reported decisions of the Supreme court, as published and affix references thereto, under the several acts now in force, so far as they have been adjudicated upon by said court, and affix a glossary of technical terms used by said court, and that a copy of this resolution be reported to the House of Representatives, and a similar one on their part requested.

On motion of Mr. Whitcomb,

Ordered, That it lie on the table.

On motion of Mr. Gregory,

Resolved, That the committee on the Judiciary be instructed to investigate the right of Jurisdiction of this state, over streams declared navigable by acts of the General Assembly, and report their opinion at length on the question of Jurisdiction over said streams in contradistinction to a connection with those, which have been recognized as carrying places and navigable streams, between the Mississippi and St. Lawrence rivers, as a diversity of opinion exists as to the right of the state to declare navigable, streams which have not been so returned by the Surveyor General of the United States, or his deputies; in order that it may hereafter be more fully understood to what extent individuals can go in the erection of mill dams across streams declared navigable by the state, where such erections obstruct the navigation thereof.

Mr. Pennington, introduced a Joint Resolution, relative to purchasers of Public Lands, which was read the first and second time, the rules having first been dispensed with.

Ordered, That it be committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Sering, introduced a Joint Resolution for the relief of

certain persons therein named, which was read the first time, and passed to a second reading.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate proceeded to consider the orders of the day.

The bill to provide for a state road from Terre Haute in Vigo county *via* Carlisle in Sullivan county, to Mount Pleasant in Martin county, was read the second time.

Ordered, That it be engrossed for a third reading.

The bill to appropriate part of the three per cent fund to build a bridge over Lost river, and for other purposes, was read the second time, and

On motion of Mr. Lemon,

Ordered, That it lie on the table.

The bill for the relief of Jonathan Leg and Elizabeth Thacker, was read the second time, and

Ordered, To be engrossed for a third reading.

The Joint Resolution to instruct the Secretary of State was read the second time, and

On motion of Mr. Ewing,

Ordered, That it be referred to the committee on revision.

A message from the Governor by Mr Forsee, his private Secretary.

Mr. PRESIDENT:

I am requested by his Excellency the Governor, to lay before you a communication enclosing the memorial of certain revolutionary officers and soldiers.

EXECUTIVE DEPARTMENT,
Ind'a. Ind's. Dec. 15, 1830. }

Hon. MILTON STAPP,

President of the Senate,

SIR: I lay before you for the Senate, by request, the accompanying document, being a memorial of the surviving officers and soldiers of the Revolutionary Army, who are not entitled to pensions under the existing law.

The attention of the Legislature is invited to the same.

They desire their case to be brought before Congress.

With consideration, I am &c.

J. BROWN RAY.

Which was read, and

On motion of Mr. McKinney, referred to a select committee to consider and report thereon.

Ordered, That Messrs. McKinney, Robb and Graham, be the committee.

The engrossed Joint Resolution of the General Assembly, on the subject of the Michigan road, was read the third time, and

On motion of Mr. Pennington,

Ordered, That it lie on the table.

Mr. Worth from the Joint Committee on enrolled Bills, now reported that they had compared the enrolled with the engrossed bills of the following titles to wit:

An act to change part of the State Road leading from the town of Newcastle in Henry county, to Crawfordsville in Montgomery county; and

An act supplemental to "An act for the appropriating of money to aid in building a bridge over Plumb creek,"

And find them truly enrolled.

The engrossed joint resolution relative to the Illinois Grant was read the third time and passed,

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

Mr. Ewing moved to discharge the committee of the whole Senate, to which was committed the engrossed bill amendatory of the act regulating divorces, which was determined in the affirmative.

On motion of Mr. Pennington,

Ordered, That it lie on the table.

Mr. Graham from the committee on ways and means, after having obtained leave, made the following report:

Mr. PRESIDENT,

The committee of ways and means to whom was referred a communication of the Secretary of State on the subject of furnishing the present General Assembly with stationery, printing, &c. have considered the same and report as follows:

On examining the subject referred, the attention of your committee was directed to the following remarks of the Secretary of State—"In order to facilitate the distribution of the laws at as early a day as possible Messrs. Douglass and Maguire propose to proceed with the printing of the acts during the session, provided the present alphabetical arrangement be dispensed with. Unless this be done a commencement cannot even be made until the very last act is signed, as the appro-

priation act which is commonly the last passed is usually the first which is printed. The time allowed for the printing is short and the binder has twenty-one days to fulfil his contract after the laws are out of the hands of the printer."

Your committee deem it all-important that the laws should be published as soon as possible after the close of the session; for although it might be desirable to have the laws arranged alphabetically, if such arrangement could be made without unavoidably retarding their publication, yet as this cannot be done without considerable delay your committee are of opinion that an alphabetical arrangement in printing the laws should be dispensed with.

Your committee therefore recommend the adoption of a joint resolution herewith reported, entitled, "A Joint Resolution on the subject of public printing.

Said joint resolution was read the first time;

Ordered, That it pass to a second reading.

Mr. Graham from the committee of ways and means, to whom was referred the report of the Treasurer of State in relation to the loan office including a list of the borrowers of Seminary funds,

Reported, That they had had the same under their consideration and directed him to report, that in the opinion of the committee, an examination of the loan office, and inquiry into the state of the Seminary fund, might more appropriately be referred to the committee on the subject of education, it being the province of that committee to investigate all subjects connected with the College at Bloomington, and generally with the education of the youth of the country.

Your committee, therefore, ask leave to be discharged from any further consideration of the subject.

Which was read and concurred in.

On motion of Mr. Graham,

Ordered, That the report of the Superintendent of the loan office be referred to the committee on education.

And the Senate adjourned.

THURSDAY, DECEMBER 16th.

The Senate assembled.

The President laid before the Senate, the following communication from the Treasurer, to wit:

TREASURER'S OFFICE,
Dec. 16, 1830. }

TO THE SENATE:

In a report made to your body a few days since, in answer to a resolution requiring a statement of the expenditures on account of the Wabash and Erie canal, the sum of \$1,192.45, which was paid out of a part of the three per cent fund in the Treasury, was not included, owing to its having been entered under a separate head. This sum was paid in Dec. 1828, to the Canal Commissioners, Messrs. Burr, John and Hanna.

Respectfully submitted,
SAML. MERRILL.

Which was read and referred to the committee on canals and Internal Improvements.

The following communication was received from the Governor, by Mr. Forsee his private Secretary.

EXECUTIVE DEPARTMENT,
Ind's. Dec. 17, 1830. }

HON. MILTON STAPP,

President of the Senate:

Sir—I herewith transmit to you, for the Senate, a copy of a Memorial of the General Assembly of the state of Alabama, addressed to the Congress of the United States, on the subject of the contemplated sales of lands, at the request of the Governor of that state, as per his accompanying letter.

Respectfully, I am, Sir,
Yr. most obt. servt.

J. BROWN RAY.

Which, together with the memorial, was read, and,

On motion of Mr. Sering, referred to the same select committee to which was referred that part of the Governor's message relative to relief of purchasers of public lands.

Mr. Gregory presented the petition of William Wilson praying for relief, which was read and referred to the committee on roads.

Mr. Givens from the committee on elections to which was referred a bill entitled an act to amend an act to regulate general elections,

Reported, That they had had that subject under their consideration and are of opinion that the law on that subject is in

accordance with the first section of the sixth article of the constitution and does not require amendment.

Therefore the committee ask to be discharged from the further consideration of that subject.

Which was read and concurred in.

On motion,

Ordered, That said bill be referred to the committee on revision.

Mr. Frisbie, from the committee on Elections to which was referred so much of the message of the Governor as relates to candidates being elected to office on party grounds,

Reported, That they had had the same under consideration, and instructed him to ask leave of the Senate to be discharged from any further consideration of the subject.

Which was concurred in.

Mr. Fletcher from the committee on the affairs of the town of Indianapolis, to which was referred the petition of James Blake and others, praying further time for the erection of a steam mill at Indianapolis on the tract set apart for that purpose, reported a bill, entitled, "A bill in addition to an act entitled "An act to authorize the sale of a site for a steam mill at Indianapolis," approved January 26, 1827, which was twice read, and ordered to be engrossed for a third reading.

Mr. Linton from the committee on education to whom was referred a resolution of the Senate instructing them to inquire into the expediency of requesting the trustees of "Indiana College" to institute a professorship of Geology and Mineralogy, reported that they had had the same under consideration and

Report, That the present charter of the College contemplates the institution of professorships by the board of Trustees, and that the committee are of opinion that the legislature cannot so fully comprehend the interests of the College as the board to whose especial care those interests are committed, and that the Trustees should be permitted to judge of the expediency of constituting such professorships without deriving any bias from legislative enactments. Before them are all the bearings of the College, its literary character, its pecuniary concerns, the present and prospective number of its students and general *cast* of their studies, and wishes, in regard to the different branches of a liberal education; these peculiarly qualify them to determine the propriety and necessity of instituting a professorship.

Should the committee even esteem it proper to make the request contained in the resolution, at any time, they would

be admonished by the report of the President of the board of Trustees, to pass it over at present. The funds of the institution are inadequate already to the necessities of the College, and cannot therefore be extended to new objects. The report of the President of the board of Trustees contains an appeal to the liberality of the legislature for aid from the state treasury, in the purchase of a philosophical apparatus of which the College is now destitute, to enable the president and professors, to discharge their duties satisfactorily.

Under such circumstances the committee deem it inexpedient to legislate on the subject of the resolution and therefore ask to be discharged from its further consideration.

Which was read and concurred in.

The President laid before the Senate the following communication, from the Agent of the 3 per cent fund.

AGENT'S OFFICE,
Indianapolis, Dec. 15, 1830.

TO THE SENATE OF INDIANA:

Gentlemen: I have received your resolution requiring a statement of the amount of the 3 per cent fund expended in each county.

I would with pleasure, comply with the requirement, were it in my power, but I cannot even guess at it. The original act did not require commissioners to return surveys of roads to this office, and even if it had, they neglected to note county boundaries. That law required each board to make all parts of their road equally good; then in the county in which the road was the worst, the most money was expended.

The law of 1827, requiring commissioners to report to this office, also required them to report the distance of road thro' each county, together with the whole amount expended in each and every county. Some few of the boards reported both as to distance and amount, but acknowledged that it was only supposition as to both. Others reported that they did not know where the county lines were, and that the law required them to make all parts of the road equally good, and that they had no idea of the amount expended in each county. If then, commissioners who surveyed the road, and expended the money be unable to give the distance through, and the sums expended in the several counties, I trust the Senate will be convinced that the Agent, without data, cannot comply with their resolution.—Respectfully submitted,

B. I. BLYTHE,

Agent 3 per cent fund.

Which was read and referred to the committee on roads.

Mr. Lomax, from the select committee to which was referred so much of the Governor's message as relates to the continuation of the construction of the Cumberland road, reported a memorial upon that subject, entitled "a memorial of the General Assembly of the State of Indiana, upon the subject of continuing the Cumberland road."

Which was twice read and ordered to be engrossed for a third reading.

Mr. Robb, from the select committee to which was referred the petition of Simon Morgan, and others, reported a bill entitled "A Bill to authorize the board of Justices of Dubois county to lay an additional tax."

Which was read the first time,

Ordered, That it pass to a second reading.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed an Engrossed Bill from the Senate, entitled "an act for the relief of John J. Lewis, late Collector of Shelby county," without amendment.

They have also passed an Engrossed Bill, originating in the House, to repeal certain acts relative to Gibson county; and an Engrossed Memorial of the General Assembly of the state of Indiana. In which Bill and Memorial, the concurrence of the Senate is requested.

Said Bill and Memorial were severally read the first time, and passed to a second reading.

On motion of Mr. Graham,

Ordered, That the select committee to which was referred the Bill relative to Estrays, be discharged, and that said Bill be referred to the committee on Revision.

On motion of Mr. Stevens,

Resolved, That the committee on roads be, and they are hereby, directed to inquire into the expediency of appropriating, out of the 3 per cent fund, the following sums of money, or some part thereof, viz:

Three hundred dollars to aid in opening and repairing the state road in Switzerland county, leading from the Ohio river at Abisha M'Kay's, to or near to the 14 mile post on the State road leading from Vevay to Versailles; also three hundred dollars towards opening and repairing the State road in the

county of Switzerland leading from the town of New York, on the Ohio river to the aforesaid State road, from Vevay to Versailles; also three hundred dollars to aid in digging and grading the Ohio river hill, on the said State road leading from Vevay to Versailles; also three hundred dollars, to aid in digging and grading Indian Creek hills, in Switzerland county on said State road from Vevay to Versailles, and also the sum of five hundred dollars to aid in digging and grading Cedar creek hills in Ripley county, on said State road from Vevay to Versailles, and that the committee have leave to report by a bill or otherwise.

On motion of Mr. Linton,

Resolved, That the Secretary of State be instructed to deliver each member of the revising committee on the part of the Senate, a copy of the revised code of 1824, and all subsequent acts for their use, in the discharge of their duties.

Mr. Graham moved the adoption of the following resolutions, to wit:

Resolved, That the committee on Revision be instructed to prepare and report to the Senate, a bill providing for an uniform mode of doing county business in the several counties in this State.

Resolved, That the bill shall provide for the election of three commissioners in each county, who shall have full power to do and perform all such acts in their respective counties, as are now performed by the boards of Justices, or county Commissioners in the several counties.

Mr. Stevens moved to amend said resolution by adding the following, "and that the bill shall contain the principles and enactments, and provisions of the bill of the Senate of last session."

Mr. Ewing moved to amend the proposed amendment, by adding these words, "adding thereto a provision for the election of county officers," and on the question, shall the amendment be adopted, the ayes and noes being called for by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Ewing, Lemon, Lomax, Watts, Whitcomb and Worth—7.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Giv-

ens, Graham, Gregory, Linton, McKinney, Orr, Pennington, Robb, Sering, and Stevens—15.

So said amendment was not adopted.

And on the question, shall the amendment proposed by Mr. Stevens, be adopted, it was decided in the affirmative.

Said resolution as amended was then adopted.

On motion of Mr. Worth,

Resolved, That the committee on the Judiciary be instructed to inquire whether any provision of law exists, to provide for the payment by the counties respectively for Blank books, paper, &c. for the use of Clerk's offices in the several counties, and should no such law exist, that said committee be authorized to report a bill for that purpose.

Mr. Ewing moved to reconsider the vote of to day discharging the committee on Education from the further consideration of a resolution relative to instituting a new professorship of Geology and Mineralogy in the State University, which was decided in the negative.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Gregory,

The committee on Roads, to which was referred a resolution of the Senate, inquiring into the propriety of so changing the present road law, as to make the overseers of roads answerable before a Justice of the Peace, for any neglect of duty was discharged from the further consideration thereof.

On motion of Mr. Gregory, said resolution was referred to the committee on revision.

On motion of Mr. Linton,

Resolved, That the Secretary of State, purchase the necessary supply of large paper, for the use of the revising committee, so as to enable the clerks to have the proper marginal references appended to their revisions.

Mr. Linton moved for adoption, the following resolution:

Resolved, That a committee to consist of five Senators, be appointed to report a charter for a State Bank, and a bill for the payment of all monies arising from school lands, into the State Loan office or bank, to be loaned under the authority of the State, with a guarantee to the several townships of a fixed rate of interest on such sums as may be derived from them respectively, and that said committee be composed of Messrs. Sering, Graham, M'Kinney, Stevens and Fletcher.

Mr. Ewing moved to amend said resolution, by striking the same out from the resolving clause, and inserting in lieu thereof, the following: "that a committee to consist of five Senators, be appointed to organize a fund, with power to issue scrip under the direction of State commissioners, with proper responsibilities, to be called the Internal Improvement Fund, the issues of scrip to be confined to advance and promote the objects of general benefit to which the money invested, properly belongs," and,

On motion of Mr. Ewing, said resolution with its proposed amendment, was laid on the table.

Mr. Pennington introduced a bill, to appropriate a part of the 3 per cent fund, to aid in the construction of a bridge over Big Blue river, which was read the first time:

Ordered, That it pass to a second reading.

Mr. Depauw introduced a bill declaratory of the law on the subject of divorces, which was twice read, and,

On motion of Mr. Depauw, referred to the committee on Revision.

Mr. Lemon introduced a bill for the relief of the subscribers to the State Prison, which was read the first time:

Ordered, That it pass to a second reading.

Mr. Gregory moved to take up the joint resolution, on the subject of the Michigan road, which was decided in the affirmative.

Said joint resolution was then read the 3rd time, and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

Mr. Stevens moved to take up the bill, amendatory of the act granting divorces, which was decided in the affirmative.

On motion of Mr. Stevens,

Ordered, That said bill be referred to the committee on Revision.

The Senate proceeded to consider the orders of the day.

The bill to provide for seven Asylums in the State, for the reception of the poor, was read the second time:

Ordered, That it pass to a third reading.

The joint resolution for the relief of certain persons therein named, was read the second time, and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The joint resolution directing the Secretary of State, to deliver certain public documents to the board of Trustees of "Indiana college," was read the second time, and committed to

a select committee consisting of Messrs. Linton, Stevens and Whitcomb.

The joint resolution relative to the public printing, was read the second time.

Mr. Whitcomb moved to strike out the word "not."

On motion of Mr. Stevens,

Ordered, That it lie on the table.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following Enrolled Bills, entitled, "An act changing a part of the State road, leading from the town of New Castle, in Henry county, to Crawfordsville in Montgomery county," and "An act supplemental to an act for the appropriation of money to aid in building a bridge over Plumb creek," I am instructed to bring them to the Senate, for the signature of the President.

Said bills having been signed by the President, were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

The engrossed bill for the relief of Jonathan Legg and Elizabeth Thacker, and an engrossed bill to provide for a State road from Terre Haute, in Vigo county, via Carlisle, in Sullivan county, to Mount Pleasant in Martin county, were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

On motion of Mr. Pennington,

The Senate, according to order, resolved itself into a committee of the whole Senate, on the joint resolution of the General Assembly, relative to purchasers of public lands, and after some time spent therein, the President resumed the chair, and Mr. Claypool reported the same, without amendment.

On motion of Mr. Pennington,

Ordered, That said joint resolution be referred to the same select committee, to which was referred so much of the Governor's message as relates to the same subject.

On motion of Mr. Sering,

Mr. Pennington was added to said select committee.

Mr. Depauw having obtained leave, offered for adoption, the following Resolution:

Resolved, That the committee on the Judiciary, be directed

to inquire into the expediency of prescribing by law, a limit, after which the Treasurer and Trustees of county seminaries shall not be compelled to repay such fines and forfeitures as may be remitted by the Executive prerogative; such fines and forfeitures having been at the time of the reception, and before the remission, appropriated and expended by the Trustees, pursuant to law and the constitution of the state. And in case such remitted fines, be forever recoverable by the persons against whom the same may have been assessed—then, that the expediency of prescribing and defining by law, the mode of collecting the same, and naming what officers may be prosecuted in the collection thereof, and what property of the seminary shall be liable, shall be taken into consideration by said committee.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act changing part of the State road leading from the town of New Castle, in Henry county, to Crawfordsville, in Montgomery county, and,

An act supplemental to an act for the appropriation of money to aid in building a bridge over Plumb creek.

And the Senate adjourned.

FRIDAY, DECEMBER 17th, 1830.

The Senate assembled.

A message from the House of Representatives, by Mr. Sheets, their Clerk.

Mr. PRESIDENT,

The House of Representatives has passed an engrossed joint resolution, from the Senate, in favor of Wm. Lindsey and others, without amendment.

They have also passed engrossed bills and joint resolutions, originating in the House, entitled as follows, viz:

“An act for the location and opening of a state road from Logansport, by way of Turkey creek and Elkhart Prairie to the northern line of the state, in the direction of Pigeon Prairie in Michigan Territory.”

"An act for the re-location of the county seat of Elkhart county."

"An act to incorporate the Levenworth Seminary society."

"An act authorizing asylums in the counties of Wayne and Harrison."

"An act confirming to John J. Akin, Alexander Walker and John J. Livingston, certain rights."

"A joint resolution on the subject of a land office in the northern part of this state," and

"A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis."

In which said acts and joint resolutions, from the House, the concurrence of the Senate is requested.

The engrossed bills from the House of Representatives entitled "An act for the location and opening a state road from Logansport by way of Turkey creek and Elkhart Prairie to the northern line of the State, in the direction of Pigeon Prairie in Michigan Territory," and

"An act for the re-location of the county seat of Elkhart county," were severally read the first time and ordered to a second reading.

The engrossed bill from the House of Representatives entitled "An act to incorporate the Levenworth Seminary society" was twice read and ordered to a third reading.

The engrossed bill from the House of Representatives entitled "An act confirming to John J. Akin, Alexander Walker and John Livingston certain rights," and

"An engrossed joint resolution on the subject of a land office in the northern part of this state," were severally twice read, and committed to a committee of the whole Senate and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives entitled "An act authorizing Asylums in the counties of Wayne and Harrison," was read the first time, and,

On motion of Mr. Sering, laid on the table.

The engrossed joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis, was read the first time and ordered to a second reading.

Mr. Orr presented the petition of Henry Robinson and others, citizens of Carroll county, praying an act authorizing the election of township officers in said county, which was read and referred to the committee on revision.

Mr. Worth from the joint committee on enrolled bills, reported, "that they have compared the engrossed with the enrolled bill, entitled, "An act for the relief of John J. Lewis, late collector of Shelby county," and find said bill truly enrolled."

Mr. Linton from the committee on education to whom was referred a resolution of the Senate directing them to inquire into the expediency of so amending the law relative to township trustees as to require the trustees of townships which do not sell their school lands to report their proceedings to the Board doing county business, asked leave to be discharged from the further consideration of the resolution for the purpose of committing the same to the committee on revision, which was read and concurred in.

On motion of Mr. Linton,

Ordered, That said resolution be referred to the committee on revision.

Mr. Whitcomb from the select committee to which was referred the petition of Jacob Bales and others for permission to build a toll bridge over Salt creek in Monroe county, reported a bill in pursuance of the prayer of the petitioners, entitled, "A bill to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county, which was read twice and ordered to be engrossed for a third reading.

Mr. Sering from the select committee to which was referred so much of the Governor's message as relates to the purchasers of public lands, and also a memorial of the General Assembly of the state of Alabama, on the same subject, with a joint memorial of this Legislature, reported, that they had had the same under consideration, and ask leave to report the joint resolution with two amendments.

The committee ask to be discharged from the further consideration of the second matter referred to them in said resolution relative to the purchasers of lots in the town of Indianapolis, it being (in the opinion of your committee) more properly a matter that should be referred to the committee on the affairs of the town of Indianapolis.

Which was read and concurred in.

On motion of Mr. Linton,

Ordered, That the select committee be discharged from the further consideration of that part of the resolution relative to purchasers of lots in the town of Indianapolis, and that it be referred to the committee on the affairs of the town of Indianapolis.

Mr. Stevens moved to amend said joint resolution by striking out "*one year*" and inserting "*six years*," which was determined in the affirmative.

On motion,

Ordered, That said joint resolution as amended be engrossed for a third reading.

Mr. Linton from the select committee to which was referred a joint resolution of the General Assembly of the state of Indiana, directing the Secretary of State to deliver certain public documents to the Board of Trustees of "Indiana College," reported, that they had had the same under consideration, and had made an amendment thereto, which amendment was read and concurred in.

Ordered, That said joint resolution as amended, be engrossed for a third reading.

Mr. Gregory moved for adoption, the following resolution:

Whereas, It appears from the report of the Agent of the 3 per cent fund, that there will be \$10,000 during the ensuing season, to be disposed of by the Legislature, and *Whereas*, much of the fund has been appropriated for opening roads, throughout the state, and whereas the country through which those roads pass, is now more densely populated than at the appropriation of the \$10,000 in 1821, and whereas, upon those roads, there are water courses that the public convenience requires to be bridged, therefore,

Resolved, That the committee on roads, be instructed to report a bill for the purpose of applying the said \$10,000, in erecting bridges and the improvement of water courses in such parts of the state, as the public interest most demands.

Which was decided in the negative.

Mr. Pennington moved the adoption of the following resolution:

Resolved, That the committee on education, be instructed to inquire into the expediency of making provisions by law for the admission into "Indiana college," of young men whose parents are in indigent circumstances, free of tuition fees, so that the poor may have an equal participation in the benefits of said institution, with the wealthy.

Mr. Linton moved to amend said resolution, by adding thereto, the following, "and that an appropriation be made by the General Assembly, covering such amount."

Mr. Pennington moved to lay said resolution with its proposed amendment on the table, which was decided in the affirmative.

On motion of Mr. Whitcomb,

Resolved, That the Secretary of State furnish the Speaker of the House of Representatives, and the President of the Senate for the inspection of their respective houses, with a certified statement, exhibiting the whole number of white male paupers, insane persons, and persons exempt from a poll tax, who are not certified to the Auditor of Public Accounts; together with the number of polls furnished by the different Collectors, pursuant to the act approved Jan. 29, 1830, which may have been received by him, since his last communication on that subject.

Mr. Fletcher moved for adoption, the following resolution:

Resolved, That the committee on revision, inquire into the propriety of amending the act regulating the interest of money in this state, so as to dispense with the penalty for taking a greater sum than six per cent per annum, for monies loaned; and that they have leave to report by bill or otherwise.

On motion of Mr. Ewing,

Ordered, That it lie on the table.

On motion of Mr. Worth,

Resolved, That the committee on roads be instructed to inquire into the propriety of making appropriations from the three per cent fund for the following objects, to wit:

To open and improve the road from Winchester in Randolph county, to Fort Wayne:

To open and improve the road from Fort Wayne to the Southern bend of the St. Joseph's of Lake Michigan, and,

To improve the road leading from Fort Wayne in the direction of Defiance.

Resolved, That when the Senate adjourns it be to Saturday morning at 9 o'clock.

The Senate adjourned.

SATURDAY, DECEMBER 18th, 1830.

The Senate assembled.

Mr. Givens from the committee on elections to which was referred a resolution of the Senate, inquiring into the expediency of amending the "act for the formation of Congressional Districts, and for the election of Senators and Representatives to Congress," approved January 30, 1824,

Reported, That the committee had had the subject under consideration, and are of opinion that it more properly belongs to the committee on revision. They therefore ask leave to be discharged from the further consideration of the same.

Which was read, and,

On motion,

The committee were discharged, and the said resolution referred to the committee on revision.

Mr. Stevens from the committee on the judiciary to whom was committed a resolution of the Senate directing an inquiry into the expediency of altering, revising and amending the laws relating to imprisonment for debt as recommended by the Governor,

Reported, That the subject of the above reference is now in the hands of the committee of revision, and will be by them finally acted on: therefore this committee asks to be discharged from further inquiry.

Which was read, and,

On motion,

Ordered, That the committee be discharged.

Mr. Stevens from the committee on the judiciary to which was referred so much of the Governor's message as relates to the abolishment of capital punishment for crime,

Reported, That they have given the subject all the examination their time would admit of, and that they have duly and attentively considered the suggestions and opinions of the Governor, but that they have not been able to come to any satisfactory conclusion. They find that it is a question of the greatest weight and importance, and one about which the most profound and enlightened statesmen and jurists differ in opinion, and from the information and light which the committee have on the subject, they feel unauthorized to give any positive opinion; therefore they ask to be discharged from further inquiry.

Which was read, and,

On motion,

Ordered, That the committee be discharged.

Mr. Stevens from the committee on the judiciary to whom was referred so much of the message of the Governor as relates to an uniform system of doing county business,

Reported, That the subject of the above reference has been, by order of both branches of the General Assembly, taken up by the joint committee of revision and therefore the commit-

tee on the judiciary asks to be discharged from the further examination of the matter.

Which was read, and,

On motion,

Ordered, That the committee be discharged.

Mr. Linton from the committee on education to which was referred a resolution of the Senate directing an inquiry into the expediency of organizing school districts in such townships as have sold their school lands,

Reported, That the committee had had the same under consideration, and are of opinion that the subject now more properly belongs to the committee on revision. The committee therefore ask to be discharged from the further consideration of the resolution.

Which was read, and,

On motion of Mr. Linton,

Ordered, That the committee be discharged, and that said resolution be referred to the committee on revision.

Mr. Gregory from the committee on roads to which was referred the petition of William Wilson,

Reported, That they had had the same under consideration, and agree that it is not a matter in which the Legislature have a right to interfere, as it is clearly set out by the petitioner, that the contract was entered into between the petitioner and the commissioner on said road, and if any *extra* work was done by the petitioner, the commissioner was fully authorized to compensate him for such labour without legislative interference.

The committee therefore ask leave to be discharged from the further consideration of the subject.

Which was read, and,

On motion,

Ordered, That the committee be discharged.

Mr. Graham from the committee on revision, reported "A bill for the formation of Congressional districts, and for the election of Senators and Representatives in Congress," which was twice read, and,

On motion of Mr. Fletcher, referred to a select committee.

Ordered, That Messrs. Fletcher, Worth and Orr be the committee.

Mr. Linton from the committee on revision, reported "A bill respecting apprentices," which was twice read, and,

On motion of Mr. Ewing,

Committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. Fletcher moved to take up the resolution regulating the interest of money, which was decided in the affirmative, and,

On the question, shall this resolution be adopted?

The ayes and noes being demanded by Messrs. Gregory and Lemon,

Those who voted in the affirmative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Graham, Linton, Orr, Sering, Stevens, Whitcomb, Worth and Mr. President—12.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Ewing, Givens, Gregory, Lemon, Lomax, Morgan, Pennington, Robb, and Watts—11.
So said resolution was adopted.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the Reports of the Commissioners of the Wabash and Erie canal, and of the Chief Engineer, which were read, and,

On motion of Mr. Pennington, referred to the committee on canals and internal improvements.

On motion of Mr. Ewing,

Ordered, That 500 copies of said reports be printed for the use of the Senate.

The President laid before the Senate the following communication from the Secretary of State:

SECRETARY'S OFFICE, }
Dec. 18th, 1830. }

HON. MILTON STAPP,

President of the Senate,

SIR,—Returns of the census from Decatur and Monroe counties, and an additional statement, to that furnished by the Auditor, from the county of Clay, have been this day filed in the Secretary's office, from which the following statement is extracted:

Decatur, whole No. of polls and persons exempt
from a poll tax, and persons entitled to vote as
returned by the Collector, &c. is 1090

No. on Auditors books, is 970

Monroe, number of free white male inhab-
itants, not returned to Auditor including
those exempt, 200

No. on Auditors books, 1000 1200

Clay—Number of free white male inhabitants, not
returned to Auditor, 93

Discrepancies are discovered between some returns receiv-
ed by mail, and those transmitted by Representatives.

Respectfully, &c.

JAS. MORRISON.

Which was read, and,

On motion, referred to the committee on the apportion-
ment.

Mr. Watts laid before the Senate the certificate of the col-
lector of Dearborn county, shewing that there are in said coun-
ty 381 polls in addition to the number on the Auditor's books,
which was read and referred to the committee on the appor-
tionment.

A message from the House of Representatives by Mr.
Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has adopted the following
resolution, viz:

Resolved, That this House will proceed to the election of a
Senator of the United States *instanter*, and that the Senate be
informed thereof, and that seats will be provided for them on
the right of the Speaker's chair.

Mr. Casey is appointed Teller on the part of the House.

On motion,

Resolved, That the Senate reciprocate the resolution of the
House of Representatives relative to the election of a Senator
of the United States, and that they be informed of the adop-
tion of this resolution.

Ordered, That Mr. Depauw be appointed Teller on the
part of the Senate, and that the House of Representatives be
informed thereof.

The Senate then repaired to the Hall of the House of Rep-
resentatives, where, upon the proclamation of the President of

the Senate, both Houses proceeded to ballot for the choice of a Senator of the United States to fill the vacancy which will be occasioned by the expiration of the term of service of the Hon. Wm. Hendricks, and, upon counting the votes on the first balloting, they were as follows:

For Wm. Hendricks, 31—Ratliff Boon, 26—John Law, 12—Charles Dewey, 9—Scattering 4.

No person having a majority of all the votes, the President of the Senate ordered a second balloting, and, upon counting the votes, they were as follows:

For Wm. Hendricks, 34—Ratliff Boon, 28—John Law, 11—Charles Dewey, 7—Scattering, 2.

No person having a majority, the President directed a third balloting, and, on counting the votes, they were as follows:

For Wm. Hendricks, 40—Ratliff Boon, 24—John Law, 13—Charles Dewey, 3—Scattering, 2.

No person having a majority, a fourth balloting was ordered, and, on counting the votes, they were as follows:

For Wm. Hendricks, 44—Ratliff Boon, 26—John Law, 9—Charles Dewey, 3.

Whereupon, the President of the Senate proclaimed William Hendricks elected a Senator of the United States from the state of Indiana for the term of six years from the third day of March next, he having received a majority of the votes of the General Assembly for said office, and the Senate returned to their Chamber, and,

On motion, adjourned.

MONDAY, DECEMBER 20th, 1830.

The Senate assembled.

Mr. Whitcomb presented the petition of Solomon Green, praying certain relief, which was read and referred to the committee on claims.

Mr. Stevens, from the committee on the judiciary, made the following report, to wit:

The committee on the judiciary, to whom was committed so much of the Governor's message, as relates to Indians and Indian lands,

Report, That they have examined the matters referred to them, and are of opinion that the interests of the State of Indiana, the interests of the Federal Government, and the inter-

ests of the Indians themselves, all call loudly for the extinguishment of the Indian title to lands within this State. And in pursuance of that opinion, herewith present to the Senate, a preamble and joint resolution for their consideration.

And further, the committee ask leave, respectfully to suggest to the Senate, that the present session of Congress, must terminate on the 4th day of March next, and that if the Senate should agree with the committee, in sentiment, it would perhaps be well to dispense with the rules, and finally pass the preamble and joint resolution on this day, so as to enable the General Government to act on the subject during the present session. All of which is respectfully submitted.

Said joint resolution entitled, "a joint resolution of the General Assembly, relative to the Indians and Indian lands, was read three times, the rules having been dispensed with, and adopted.

Ordered, That the House of Representatives be informed of its adoption, and their concurrence requested.

On motion of Mr. Pennington, the rules were dispensed with, and the engrossed joint resolution, relative to purchasers of public lands was taken up.

Said joint resolution was then read the third time, and adopted.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The following communication was received from the Governor, by Mr. Forsee, his private secretary.

EXECUTIVE DEPARTMENT, }
Ind'a. Ind's. Dec. 20, 1830. }

HON. MILTON STAPP,

President of the Senate:

Sir: I herewith lay before you, a prospectus of Jonathan Elliott, of Washington city, proposing to publish four volumes of public documents, the contents of which, would be a useful addition to the State Library.

With high consideration,

I am, very respectfully,

Your ob't. servt.

J. BROWN RAY.

Which was read and referred to the committee on education.

Mr. Graham, from the select committee, to which was referred the petition of Clark M'Affee, and others, praying a

change of part of the State road from Indianapolis to Mauk's ferry, on the Ohio river, reported a bill, entitled, "a bill to change a part of the road from Mauk's ferry, to Indianapolis, and for other purposes."

Which was read the first time, and,

Ordered to a second reading.

Mr. Fletcher, from the select committee, to which was referred "a bill for the formation of Congressional districts, and for the election of Senators and Representatives in Congress," reported the same with amendments, which were read and concurred in.

Mr. Gregory moved to recommit said bill, to the committee on revision, with instructions, which was decided in the negative.

Ordered, That it be engrossed for a third reading.

Mr. Ewing, from the select committee, to which was referred so much of the message of the Governor, as relates to the establishment of Asylums for the poor, in this State, reported a memorial, entitled "a memorial to the Congress of the United States, on the subject of Asylums and for lands to construct them."

Which was twice read, and,

Ordered to be engrossed for a third reading.

Mr. Stevens, from the committee on revision, reported a bill subjecting real and personal estate to execution.

Which was twice read, and,

On motion of Mr. Fletcher, committed to the committee of the whole Senate, and made the order of the day for to-morrow.

A message from the House of Representatives, by Mr. Sheets, their Clerk.

Mr. PRESIDENT,

The Speaker of the House of Representatives having signed an enrolled bill, entitled "an act for the relief of John J. Lewis late Collector of Shelby county," I am directed to bring it to the Senate for the signature of their President.

Which having been signed by the President, was handed, to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Linton from the committee on revision, reported a bill entitled "a bill concerning the Auditor of Public Accounts, and Treasurer of State, which was twice read, and,

On motion, committed to a committee of the whole Senate and made the order of the day for to-morrow.

On motion of Mr. Worth,

Resolved, That the Secretary of the Senate, be instructed to call on the public printer, and inquire of him, at what time the Senate may expect to receive those documents, some time since ordered to be printed, as the speedy printing and return of said documents is of primary importance to the public interest, and should be dispatched at an early day of the session.

Mr. Linton moved for adoption the following resolution.

Resolved, That the committee on revision, be instructed to incorporate into the act for the sale of school lands, a provision authorizing the people of such townships, as prefer placing their funds under the care of the State, to pay the avails of their lands into the State Loan Office, together with any additional sum, which townships may raise by voluntary contribution, to constitute a perpetual school fund, the interest of which, to be applicable to the free and equal education of all within such township.

Resolved, Also, that the same committee inquire into the expediency of holding such fund subject to the control of the State, for the purpose of constructing canals and roads, or providing for the loan thereof.

Mr. Sering moved to amend the same, by inserting, after the words "interest of which," the following, "not less than six per cent shall be guaranteed to such township on the amount so paid over;" which was adopted by consent.

Mr. Linton then moved to lay said resolution as amended, on the table; which was decided in the affirmative.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did, on this day, present to the Governor, for his approval and signature, the enrolled bill, entitled, "an act for the relief of John J. Lewis, late Collector of Shelby county."

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the public printer, addressed to the Secretary of the Senate.

Indianapolis, Dec. 20, 1830.

I have the honor to inform the Senate, in obedience to their resolution, that on this day, a part of their orders will be filled, and that no time will be unemployed in dispatching the balance, and that the whole are in progress.

Respectfully, A. F. MORRISON,
Printer to the Senate.

N. B. The report of the Secretary of State, would, before this time, have been laid before the Senate, had not alterations been ordered in the census of several counties.

A. F. M.

On motion of Mr. Depauw,

Resolved, That the committee on revision be directed to inquire into the expediency of incorporating into the revenue bill, amendments of the following import, to wit:

1st. That the several revenue collectors shall file with the circuit court clerk, of the proper county, a complete list of the sales of all lands and lots sold by them for taxes, with the amount of tax and cost for which the lands and lots respectively may have been sold.

2dly. That it shall be the duty of the several collectors, before making conveyance to the proper certificate holder, of any lands or lots, so sold, to advertise in some public newspaper, in his or some neighboring county, that he will, (unless the same be redeemed) after a given time, convey to the certificate holder, the described tract of land or lots or parcels thereof, as the case may be. The printing fee in case of redemption, to be paid by the grantee.

3rd. That persons owning lands or lots in several townships in the same county, may be permitted by himself or agent, to list the whole thereof, with the lister of the township in which he or his agent resides, and where such property is found to be doubly listed, the clerk shall correct the same in making out the proper duplicate.

On motion of Mr. Pennington, the resolution relative to the admission of poor young men into "Indiana College," free of tuition fees, was taken up.

Mr. Pennington then moved the following as a substitute for the resolution, to wit:

Resolved, That the committee on education, be instructed to inquire into the expediency of making provision by law for admitting a certain number of youth, who are either poor orphans or whose parents are in indigent circumstances, into "Indiana college," free from the charge of tuition fees and other expences; and also into the expediency of devising a plan for having the proceeds of the French lick, Royse's lick, and all other salt lick reservations, appropriated as a fund for the education of indigent scholars, within this State, in said institution, upon the principle of an equitable distribution of said favor to the population of the whole State.

Mr. Gregory moved to amend said resolution, by adding

thereto, the following, "and also into the expediency of fixing by law, the salary of the President and Professors, which was decided in the negative.

Mr. Gregory moved further to amend said resolution by striking out that part which relates to French and Royse's lick, which was decided in the negative.

And on the question, "shall this resolution be adopted," it was determined in the affirmative.

The ayes and noes being demanded by Messrs. Pennington and Depauw.

Those who voted in the affirmative, are

Messrs Blair, Claypool, Clendenin, Ewing, Fletcher, Gregory, Lemon, Lomax, M'Kinney, Orr, Pennington, Robb, Stevens, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Depauw, Frisbie, Givens, Graham, Linton, Morgan, Sering and Watts—8.

Mr. Robb, moved the adoption of the following resolution.

Resolved, That the committee on canals and internal improvements, be instructed to prepare and report to the Senate a memorial to Congress, praying an extension of the time allowed for the commencement of the Wabash and Erie canal, and that the State of Indiana may have the privilege of connecting the navigable waters of the Wabash, with those of Lake Erie, either by a rail road or canal, as she may deem most expedient, and be authorized to apply the proceeds of the canal lands, to the construction of such rail road, should she deem it most advisable, so to connect said navigable waters.

On motion of Mr. Gregory,

Said resolution was laid on the table.

Mr. Ewing moved to take up the resolution fixing the ratio, which was decided in the affirmative.

Mr. Morgan moved to fill the blank in said resolution, fixing the number of polls necessary to elect a Senator, with the number 3000, Mr. Lemon with the number 2500, Mr. Fletcher 2000, and Mr. Sering with the number 1800.

3000 being the highest number, the question was, "shall the blank be filled with the number 3000," which was determined in the negative.

And on the question, shall the blank be filled with the number 2500 it was determined in the affirmative.

Mr. Claypool moved to fill the blank in said Resolution, providing for the number of polls necessary to elect a Representative, with the number 1400, Mr. Robb with the number 1200, Mr. Fletener with the number 1000, Mr. Graham with the number 800 and Mr. Sering with the number 900.

1400 being the highest number, the question was first put upon so filling the blank, which was decided in the negative.

And on the question, shall the blank be filled with the number 1200, it was decided in the negative.

And on the question, shall the blank be filled with the number 1000, it was determined in the affirmative.

And on the question shall this resolution as amended be adopted, it was decided in the negative.

The ayes and noes being called for by two Senators.

Those who voted in the affirmative, are

Messrs. Depauw, Ewing, Frisbie, Lemon, Linton, Lomax, Pennington, Robb, Whitcomb and Worth—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Givens, Graham, Gregory, Morgan, M'Kinney, Orr, Sering, Stevens, and Watts—13.

The Senate proceeded to consider the orders of the day.

The engrossed bill from the House of Representatives, entitled "an act for opening a State road from Logansport by way of Turkey creek and Elkhart Prairie, to the northern line of the State, in the direction of Pigeon Prairie, in Michigan territory, was read the second time and passed to a third reading.

The engrossed joint resolution from the House of Representatives, relative to an appropriation of land to aid in the improvement of the State road, from Madison to Indianapolis, was read the second time, and passed to a third reading.

The engrossed bill from the House of Representatives, for the relocation of the county seat of Elkhart county, was read the second time, and,

On motion of Mr. Worth, laid on the table.

The engrossed bill for the relief of subscribers to the state prison, was read the second time, and,

On motion of Mr. Fletcher, referred to the committee on the state prison.

The bill to appropriate part of the 3 per cent fund, to aid in building a bridge over Big Blue river at Levenworth's mill, was read the second time, and,

On motion of Mr. Gregory, laid on the table.

The bill to authorize the board of Justices of Dubois county to lay an additional tax, was read the second time, and ordered to be engrossed for a third reading.

The engrossed bill from the House of Representatives, to repeal certain acts relative to Gibson county, was read the second time, and,

On motion of Mr. Robb, laid on the table.

The engrossed joint resolution of the General Assembly from the House of Representatives, was read the second time, Ordered, That it pass to a third reading.

The memorial to the Congress of the United States, for the continuation of the Cumberland road, was read the third time, and passed.

On motion of Mr. Fletcher,

Ordered, That said memorial be entitled, "a memorial to the Congress of the United States, for a continuation of the construction of the Cumberland road.

The engrossed bill to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county, and the engrossed bill in addition to "an act to authorize the sale of a site for a Steam mill at Indianapolis," approved Jan. 26, 1827, were severally read the third time, and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The engrossed bill from the House of Representatives, to incorporate the Levenworth Seminary society, was read the third time, and passed,

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Lomax.

The Senate according to order resolved themselves into a committee of the whole Senate, upon the engrossed bill to provide 7 Asylums in the State, for the reception of the poor, and after some time spent therein, the President resumed the chair, and Mr. Clendenin, reported the same with sundry amendments, which were read and concurred in generally.

Mr. Gregory moved to indefinitely postpone said bill, and before the question was taken,

The Senate adjourned.

TUESDAY, DECEMBER 21, 1830.

The Senate assembled.

Mr. Lomax presented the petition of Willis Davis and others, citizens of Wayne county, praying that the business of said county may be done by justices of the peace,

Which was read, and,

On motion of Mr. Lomax, referred to a select committee.

Ordered, That Messrs. Lomax, Worth, and Claypool be the committee.

Mr. Morgan presented the petition of Jesse Oniel, of Rush county, praying certain relief, which was read, and,

On motion of Mr. Morgan, referred to the committee on the the Judiciary.

Mr. Blair presented the petition of Austin Bishop, and others, praying the incorporation of Perrysville, in Vermillion county, which was read, and,

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Linton and Orr, be the committee.

Mr. Blair from the select committee, to which was referred the petition of John Kays, and others, praying for the relocation of a certain State road, reported a bill, entitled "a bill to provide for the relocation of part of a State road from Greencastle, in Putnam county, through Rockville, in Parke county, to Newport in Vermillion county," which was read the first time, and ordered to a second reading.

Mr. Stevens, from the committee on revision, reported "a bill for the prevention of frauds and perjuries which was twice read, and,

On motion, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The President laid before the Senate the following communication from the Agent of State, for the town of Indianapolis.

AGENT'S OFFICE,
Indianapolis, Dec. 20th, 1830.

HON. MILTON STAPP,

Sir: Please lay before the Senate the enclosed report, and accompanying map.

Respectfully yours,

E. SHARPE, Agent.

Which, together with the report, was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Graham, from the committee on revision, reported, "a bill to regulate the mode of doing county business, in the several counties, which was read twice, and,

On motion, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Linton, from the committee on revision, reported "a bill concerning the Secretary of State," which was read twice, and,

On motion, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. M'Kinney from the committee on revision, reported "a bill for the appointment of Constables, and defining their duties, which was read twice and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Sering moved to take up the resolutions offered by Mr. Linton, relative to depositing the proceeds of school lands in the State Loan Office, which was decided in the affirmative.

Mr. Sering then moved to strike out the 2nd resolution, which reads as follows, "Resolved also, That the same committee inquire into the expediency of holding such fund subject to the control of the State, for the purpose of constructing canals and roads, or providing for the loans thereof," which motion was decided in the affirmative.

And on the question, shall the first resolution be adopted, it was decided in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Graham, Lemon, Linton, M'Kinney, Orr, Robb, Sering, Stevens, Watts and Whitcomb—14.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Givens, Gregory, Lomax, Morgan, Pennington and Worth—8.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed the following engrossed bills, entitled acts, viz:

"An act to amend an act entitled an act for the relief of the infant heirs of Wesley Harrison, dec. approved Dec. 18, 1828."

"An act compensating George Pea, for extra causewaying on the State road from Brookville to Indianapolis," and

"An act to prevent the destruction of timber upon the state canal lands," in which the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives, entitled "an act to amend an act for the relief of the infant heirs of Wesley Harrison, deceased, approved January, 1828, was read the first time, and ordered to a second reading.

The engrossed bill from the House of Representatives entitled "an act to prevent the destruction of timber upon the state canal lands, was twice read.

Mr. Fletcher moved to commit it to a committee of the whole Senate, which was determined in the negative.

Mr. Stevens then moved to refer it to the committee on canals and internal improvements, which was decided in the affirmative.

The engrossed bill from the House of Representatives entitled "an act compensating George Pea for extra causewaying on the state road from Brookville to Indianapolis, was read the first time, and ordered to a second reading.

Mr. Fletcher, moved to take up the resolution, offered by Mr. Ewing relative to converting the monies arising from the sale of school lands into a fund for the purpose of internal improvements, which was decided in the negative.

The Senate then proceeded to consider the orders of the day.

The Senate resumed the consideration of the bill, providing for 7 Asylums in the State, for the reception of the poor.

And on the question, "shall this bill be indefinitely postponed?"

The ayes and noes were called for by two Senators.

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Fletcher, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Stevens, Whitcomb and Worth—13.

Those who voted in the negative, are

Messrs. Blair, Depauw, Ewing, Frisbie, Givens, Graham, M'Kinney, Robb, Sering and Watts—10.

Said bill was indefinitely postponed.

On motion of Mr. Sering, the engrossed bill from the House of Representatives, entitled "an act authorizing asylums in Wayne and Harrison counties was taken up.

Mr. Graham moved to postpone said bill indefinitely, and, The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Ewing, Frisbie, Givens, Graham, Gregory, Robb and Whitcomb—7.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Sering, Stevens, Watts and Worth—15.

On motion of Mr. Sering, said bill was referred to a select committee.

Ordered, That Messrs. Sering, Lomax and Pennington be the committee.

The engrossed bill from the House of Representatives, entitled "An act for the location and opening a state road from Logansport, by way of Turkey creek and Elkhart Prairie, to the northern line of the State, in the direction of Pigeon Prairie, in Michigan Territory," and,

The Engrossed joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis, and the engrossed bills entitled as follows:

A bill for the formation of Congressional districts, and for the election of Senators and Representatives in Congress, and,

A bill to authorize the Board of justices of Dubois county, to levy an additional tax, were severally read the third time, and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence to the two last named bills, requested.

The bill to change a part of the road from Mauk's ferry, to Indianapolis, and for other purposes, was read the second time, and ordered to be engrossed for a third reading.

On motion of Mr. Robb, the engrossed bill from the House of Representatives, entitled an act to repeal certain acts relative to Gibson county, was taken up.

And on the question, shall this bill pass, it was determined in the affirmative.

Ordered, That the House of Representatives be informed thereof.

On motion, the Senate, according to order, resolved themselves into a committee of the whole Senate, on the engrossed bill confirming to John J. Akin, Alexander Walker and John J. Livingston, certain rights, and after some time spent therein, the President resumed the chair, and Mr. Depauw reported the same without amendment.

On motion of Mr. Watts, it was referred to a select committee.

Ordered, That Messrs. Watts, Stevens and Depauw, be the committee.

On motion, the Senate, according to order, resolved themselves into a committee of the whole Senate, on the engrossed joint resolution from the House of Representatives, entitled a joint resolution on the subject of a Land Office in the northern part of this State, and, after some time spent therein, the President resumed the chair, and Mr. Ewing reported the same without amendment.

And on the question shall this joint resolution be adopted; it was determined in the affirmative.

The ayes and noes being demanded by two senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Lomax, Orr, Robb, Stevens, Whitcomb, and Worth—14.

Those who voted in the negative, are

Messrs. Claypool, Frisbie, Gregory, Linton, Morgan, M^r. Kinney, Pennington, Sering and Watts—9.

The Senate according to order, resolved themselves into a committee of the whole Senate, on the bill respecting apprentices, and after some time spent therein, Mr. Fletcher reported the same without amendment.

Mr. Whitcomb moved to amend said bill, by adding the following as an additional section, to wit:

Sec. On the trial of any appeal, or cause removed by recognizance, into the circuit court, authorized by this act, the trial of the matters of fact in issue, shall at the request either

of the master or mistress, (as the case may be,) or of the apprentice, be submitted to a jury, who, by their verdict shall find whether such apprentice shall be discharged from such service, and apprenticeship or not, and the court shall give judgment thereon accordingly.

And on the question shall this bill be so amended, it was determined in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Graham, Gregory, Lemon, Morgan, M'Kinney, Orr, Pennington, Robb and Whitcomb—15.

Those who voted in the negative, are

Messrs. Blair, Givens, Linton, Lomax, Sering, Stevens, and Watts—7.

On motion of Mr. Orr, the Senate resolved themselves into a committee of the whole Senate, on the "Bill concerning the Auditor of Public Accounts and Treasurer of State," and after some time spent therein, the President resumed the chair, and Mr. Frisbie reported the same without amendment.

On motion,

Ordered, That it be engrossed for a third reading.

And the Senate adjourned.

WEDNESDAY, DECEMBER 22nd, 1830.

The Senate assembled.

The President laid before the Senate the report of the Adjutant General relative to the number of Divisions, Brigades, Regiments, and Companies in each county, which was read and referred to the committee on military affairs.

Mr. Sering from the select committee to which was referred the bill providing for Asylums in Wayne and Harrison counties, reported the same with an amendment, providing for the insertion of "Jefferson" after Harrison, which was read and concurred in.

Ordered, That said bill pass to a third reading.

Mr. Linton from the committee on revision, reported "A bill concerning Clerks," which was twice read and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Depauw from the committee on claims, to which was referred the petition of Solomon Green of Monroe county, praying an additional allowance for services rendered the state, reported the following resolution, to wit:

Resolved, That Solomon Green of Monroe county be allowed in the specific appropriation bill the sum of thirteen dollars, in addition to a former allowance, in full for his services in re-capturing Nathan Baker, a fugitive from justice,"

Which was read, and,

On motion,

Ordered, That said resolution lie on the table.

On motion of Mr. Lemon,

Resolved, That the Adjutant General be requested to lay before each branch of the Legislature a detailed report of the strength of the Militia of this state, founded upon the returns of the present year, distinguishing in said report the number of companies in each regiment, and the character of the same.

Mr. Stevens introduced a joint resolution relative to the tariff and internal improvements, which was twice read and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Orr introduced a joint resolution relative to the improvement of a harbour on Lake Michigan, which was read the first time and ordered to a second reading.

Mr. Lemon moved to re-consider the vote on the passage of the "engrossed bill for the formation of congressional districts, and for the election of Senators and Representatives in Congress;" and, on the question, "Shall this vote be re-considered?" it was determined in the negative

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Depauw, Ewing, Frisbie, Givens, Lemon, M'Kinney, Robb, Stevens, and Whitcomb—9.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Graham,

Gregory, Linton, Lomax, Morgan, Orr, Pennington, Siring, Watts, and Worth—14.

A message from the House of Representatives by Mr. Sheets their Clerk:

Mr., PRESIDENT,

The House of Representatives has passed engrossed joint resolutions and a bill, from the Senate, entitled as follows, to wit:

"A joint resolution relative to the Illinois Grant."

"A joint resolution of the General Assembly on the subject of the Michigan road."

"A joint resolution relative to purchasers of public lands," and

"An act for the relief of Jonathan Legg and Elizabeth Thacker."

The two first named joint resolutions without amendment. The last named joint resolution and bill with an amendment to each, in which the concurrence of the Senate is requested.

They have also passed engrossed bills and a joint resolution of the House entitled as follows, viz:

"An act establishing a county treasurer."

"An act to incorporate the Wabash Insurance Company."

"An act for the relief of Samuel Hanna."

"An act for the relief of Joseph Pryor security of John Parks, collector of Decatur county."

"An act to repeal part of the 4th section of the act regulating Medical societies," approved January 30th, 1830.

"An act for the relief of James Faris, Trustee of the county Seminary of Dubois county."

"An act for the relief of purchasers of out lots adjoining the town of Indianapolis."

"An act relative to the county surveyor of the county of Allen."

"An act authorizing Matthew Flinn to convey certain lots in the town of Leesville,," and

"A joint resolution of the General Assembly of the State of Indiana, for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph river."

In which acts and joint resolution the concurrence of the Senate is requested.

The amendment proposed by the House of Representatives to the engrossed joint resolution relative to purchasers of public lands, and the amendment proposed to the engrossed bill

for the relief of Jonathan Legg and Elizabeth Thacker, were severally read and agreed to.

The engrossed bills from the House of Representatives entitled as follows, viz:

"An act to incorporate the Wabash Insurance Company."

"An act relative to the county surveyor of the county of Allen."

"An act for the relief of Joseph Pryor, security of John Parks, collector of Decatur county," were severally read twice, and ordered to a third reading.

The engrossed bills from the House of Representatives entitled as follows:

"An act establishing a county treasurer."

"An act authorizing Matthew Flinn to convey certain lots in the town of Leesville."

"An act for the relief of James Faris, trustee of the county Seminary of Dubois county," and

"An engrossed joint resolution of the General Assembly of the State of Indiana, for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph river," were severally read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The "engrossed joint resolution from the House of Representatives for the relief of purchasers of out lots adjoining the town of Indianapolis," was twice read and committed to the committee on the affairs of the town of Indianapolis.

The engrossed bill from the House of Representatives, entitled "an act to repeal a part of the 4th section of the act, regulating Medical Societies," approved January 30th, 1830, was twice read, when,

Mr. Pennington moved to postpone said bill indefinitely.

The ayes and noes being required by two Senators.

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Frisbie, Linton, Morgan, Orr, Pennington, Sering and Watts—10.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Givens, Graham,

Gregory, Lemon, Lomax, M'Kinney, Robb, Stevens, Whitcomb and Worth—13.

So said bill was not postponed indefinitely.

On motion of Mr. Ewing,

Ordered, That it be referred to the committee on Revision.

Mr. Worth from the joint committee on enrolled bills, reported that they had compared the engrossed with the enrolled joint resolution, entitled "a joint resolution in favor of William Lindsay, Howard Putnam, Peter Houston, Francis Odler, (or Outler,) Cutbirth Tisdell, William Ray and William Owens, soldiers of the revolution," and had found the same truly enrolled.

The Senate proceeded to consider the orders of the day.

The engrossed bill from the House of Representatives, entitled "an act compensating George Pea, for extra causewaying, done on the State road from Brookville to Indianapolis," was read the second time and committed to a committee of the whole Senate, and made the order of the day for tomorrow.

The engrossed bill from the House of Representatives, entitled "an act for the relief of the infant heirs of Wesley Harrison, decd," was read the second time, and ordered to a third reading.

The engrossed bills entitled as follows:

"An act to change a part of the State road from Mauk's ferry to Indianapolis, and for other purposes."

An act Concerning the Auditor of Public Accounts and Treasurer of State, and,

"The Memorial to the congress of the United States, on the subject of Asylums, and for land to construct them," were severally read the third time, and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The Senate according to order resolved themselves into a committee of the whole, on the bill to regulate the mode of doing county buisness in the several counties in this State, and,

"The bill appointing constables, and defining their duties,"

And after some time spent therein, the President resumed the chair, and Mr. Givens reported progress, and asked leave to sit again, and,

On the question "shall the committee have leave to sit again," it was determined in the affirmative.

On motion, the previous orders of the day were postponed.

On motion of Mr. Linton,

Resolved, That the Secretary of State be directed to procure better fuel for the Senate, and, if under the existing contract for that purpose, he cannot procure it, he shall make another contract with some person, other than Shadrach Lewquat.

And the Senate adjourned.

THURSDAY, DECEMBER 23, 1830.

The Senate assembled.

Mr. Gregory, from the committee on roads, made the following report, to wit:

MR. PRESIDENT,

The committee on roads, to which was referred so much of the Governor's message, as refers to the bad management of the contract. Commissioner, on the Michigan road, have called on General Noah Noble, the commissioner, who has laid before the committee, all the papers and a complete record of the bids, registered in a book kept for that purpose, a majority of the committee seem to be perfectly satisfied with the course pursued by the commissioner, as the most advantageous one to secure the fund. To shew clearly the views taken by the Commissioner, with regard to what is generally termed "sweeping bids," the committee would state, that at the court house, in the town of Madison, on Thursday the first of July last, the road from section one, to fifteen, inclusive, was let to Captain Andrews, at the sum of \$7,174.00, which is an average of \$498.00 per mile. There were but three bids for a less sum to wit: one for \$298, one for \$300, the next lowest was for \$600, and varying from that to \$1,147 per mile.— Those individual bids, when added together, make an average of \$553 per mile, for the same, distance. The sum saved to the State by the method persued by the commissioner, is \$821.

The commissioner further justifies his receiving "sweeping bids," on the ground, that persons thus bidding, were not compelled to take any part, unless they got the whole for which they bid, hence those who bid lower than the average bid, were excluded, on the ground that the commissioner, was not compelled to receive those bids together, to exclude extravagant bids. There appears to be one or two cases in the same sit-

uation. A majority of the committee, after due deliberation and reflection, have agreed that the chairmain should report the following resolution, to wit:

Resolved, That Noah Noble, the contract commissioner, on the Michigan road, has done what a majority of the committee conceive to be his duty, and that the course adopted and pursued by him, produced a saving of the Michigan road fund, to the State, and the committee ask to be discharged from the further consideration thereof, which was read and concurred in, and, on motion,

Ordered, That the committee be discharged.

Mr. Fletcher, from the committee on the affairs of the town of Indianapolis, to which was referred a resolution of the Senate, directing them to take into consideration, the propriety of providing for the making of contracts for materials preparatory to the erection of a state house, reported a joint resolution, entitled "a joint resolution relative to preparing materials to build a state house, on the square designated for that purpose," which was twice read, and committed to a committee of the whole Senate; and made the order of the day for to-morrow.

A message from the House of Representatives, by Mr. White, their Assistant Clerk.

MR. PRESIDENT:

The House of Representatives has passed "an engrossed joint resolution, for the benefit of John Rodgers," in which I am directed to ask the concurrence of the Senate.

Said engrossed joint resolution, was twice read, and ordered to a third reading.

Mr. Whitcomb, from the committee on revision, reported "a bill regulating the practice in suits at law," which was twice read, and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

A message from the House of Representatives, by Mr. Sheets, their clerk.

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill and joint resolution, from the Senate, entitled "an act to provide for a State road from Terre Haute, in Vigo county, via Carlisle, in Sullivan county, to Mount Pleasant, in Martin county," and "a joint resolution of the General Assembly of the State of Indiana, relative to the Indians and Indian lands, within

the State," both with amendments, in which the concurrence of the Senate is requested.

They have also passed engrossed bills of the House entitled as follows, to wit:

"An act to alter a part of the county line dividing the counties of Marion and Hendricks," and

"An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife,"

In which the concurrence of the Senate is also requested.

The amendments proposed by the House to the joint resolution of the Senate entitled, "A joint resolution of the General Assembly of the State of Indiana relative to the Indians and Indian lands within the State," and to

The engrossed bill to provide for a state road from Terre-Haute in Vigo county *via* Carlisle in Sullivan county to Mount Pleasant in Martin county, were severally read and agreed to.

Ordered, That the House of Representatives be informed thereof.

The bill from the House of Representatives entitled "An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife," was read twice.

Mr. Lemon moved to commit it to a committee of the whole Senate, and make it the order of the day for to-morrow; which motion was decided in the negative.

And on the question, "Shall this bill pass to a third reading?" it was determined in the negative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Frisbie, Graham, Gregory, Lemon, Linton, Orr, Stevens and Worth—9.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Givens, Lomax, Morgan, M'Kinney, Pennington, Robb, Sering, Watts and Whitcomb—14.

The bill from the House of Representatives, entitled "an act to alter a part of the county line, dividing the counties of Marion and Hendricks, was twice read, and referred to the committee on revision.

The following communication was received from the Governor, by Mr. Forsee, his private Secretary.

EXECUTIVE DEPARTMENT,
Ind'a. Ind's. Dec. 23, 1830. }

HON. MILTON STAPP,

President of the Senate:

SIR:—The accompanying circular, on the culture of flax, is an interesting document, and might be copied into a report with propriety, designed to encourage the growth and manufacture of this very useful article in this State.

When six millions of dollars worth of linen manufactures are annually imported, sold and consumed in the United States, which ought to be made by our own citizens, it is evident that the raising of flax has been neglected to too great an extent.

I am, very respectfully,

Your obedient servant,

J. BROWN RAY.

Which was read and referred to the select committee, to which was referred so much of the Governor's message, as relates to the tariff.

Mr. Graham, from the committee on revision, reported "a bill to regulate general elections, which was twice read and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Graham, from the same committee, reported a bill providing for electing county and township officers, which was read twice, and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

On motion of Mr. Lemon,

Resolved, That a select committee be appointed, whose duty it shall be, to report a memorial, praying Congress, to donate a portion of the public land, that lies between the falls of Ohio, and the town of Columbus, to aid in the construction of a road for a mail route, from Louisville to Indianapolis.

Ordered, That Messrs. Lemon, Depauw and Graham, be the committee.

On motion of Mr. Stevens, the resolution relative to changing the name of the "Governor's circle," to that of the "State house circle," and the "State house square," to that of the "Governor's square," was taken up, and referred to the same committee of the whole, to which is referred "the joint resolution relative to preparing materials, to build a State house, on the square designated for that purpose."

Mr. Fletcher after obtaining leave presented the remonstrance of Henry Bradley, and others, citizens of Indianapolis, against changing the State House square, which was read, and,

On motion of Mr. Fletcher, committed to the same committee of the whole, last named.

On motion of Mr. Givens,

Resolved, That the committee on canals and internal improvements, be instructed to inquire into the expediency and practicability of improving the navigation of the Wabash river by a canal communication with the Ohio river, to commence at or near M'Arthur's Island, thirty six miles above the confluence of said river with the Ohio, and terminating opposite or near the head of slim or straight island, in the Ohio river, a distance of thirteen miles from the junction of the last named river, with the said Wabash, the intermediate distance between the above named points, being only five miles, with leave to report by memorial or otherwise.

The Senate proceeded to consider the orders of the day.

The joint resolution relative to the improvement of a harbour on Lake Michigan, was read the second time and ordered to a third reading.

The bill from the House of Representatives, entitled "an act relative to the county surveyor of the county of Allen, was read the second time, and,

On motion of Mr. Claypool, referred to the committee on revision.

The bill from the House of Representatives, entitled "an act for the relief of Joseph Pryor, security of John Parks, Collector of Decatur county, was read the second time, and,

On motion of Mr. Ewing, postponed indefinitely.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Worth, from the joint committee on enrolled bills, reported that they had compared the engrossed with the enrolled bill, entitled "an act to incorporate the Levenworth Seminary, and also the following enrolled joint resolutions, to wit:

A joint resolution of the General Assembly, on the subject of the Michigan Road, and a joint resolution relative to the Illinois grant, and had found said bill and resolutions truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The Speaker of the House of Representatives having

signed enrolled joint resolutions, and a bill entitled as follows, to wit:

"A joint resolution in favor of William Lindsey, Howard Putnam, Peter Houston, Francis Odler, (or Outler,) Cutbirth Tisdell, William Ray and William Owens, soldiers of the revolution."

"A joint resolution of the General Assembly, on the subject of the Michigan road."

"A joint resolution relative to the Illinois grant," and,

"An act to incorporate the Levenworth Seminary." I am directed to bring them to the Senate, for the signature of their President.

The House of Representatives have passed engrossed bills, a memorial and joint resolution, from the Senate, entitled,

"An act to authorize the board of justices, of Dubois county, to levy an additional tax."

"An act in addition to an act entitled an act, to authorize the sale of a site for a steam mill at Indianapolis, approved January 26, 1827."

"An act to authorize Jacob Bales, to build a toll bridge across salt creek, in Monroe county."

"A memorial to the Congress of the United States, on the continuation of the Cumberland road," and,

"A joint resolution of the General Assembly, directing the Secretary of State to deliver certain documents to Indiana College, and the Historical Society."

The first named bill, with an amendment, to which the concurrence of the Senate is requested. The balance of said bills, &c. without amendment.

They have also passed engrossed bills of the House, of the following titles, to wit,

"An act for the relief of the collector of Fayette County."

"An act to relocate part of a State road, leading from Indianapolis, by way of Danville, to Montezuma," and,

"An act concerning proceedings in ejectment, and for the relief of occupying claimants of land."

In which said bills, the concurrence of the Senate is requested.

The President having signed the bills and joint resolutions named in the foregoing message, they were handed to the committee on enrolled bills, to be presented by them to the Governor, for his approval and signature.

The amendment proposed by the House, to the bill of the Senate, entitled "an act to authorize the board of justices of

Dubois county, to levy an additional tax, was read and agreed to.

The bill from the House of Representatives entitled "an act for the relief of the collector of Fayette county, was read twice, and,

On motion of Mr. Lomax, laid on the table.

The bill from the House of Representatives, entitled "an act to relocate a part of the State road, leading from Indianapolis by way of Danville to Montezuma, was read the first time, and ordered to a second reading.

The bill from the House of Representatives, entitled "an act concerning proceedings in ejectment, and for the relief of occupying claimants," was twice read, and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The President laid before the Senate, the following communication from the Secretary of State:

SECRETARY'S OFFICE,
Dec. 23, 1830. }

HON. MILTON STAPP,

President of the Senate,

SIR:—I have this day received a return of the census of Sullivan county, from which it appears that there are 194 free white male inhabitants above the age of 21 years, including paupers, insane persons and persons exempt from a poll tax, whose names are not returned to the Aud. of Public Ac'ts.

Number on Auditor's books, 775

Add the foregoing number 194 969

Respectfully, &c.

JAMES MORRISON.

Which was read and referred to the committee on Apportionment.

The Senate according to order again resolved themselves into a committee of the whole on "the bill to regulate the mode of doing county business in this state," and "the bill authorizing the appointment of constables and defining their duties," and after some time spent therein, the President resumed the chair, and Mr. Givens reported, the last named bill without amendment—the first with sundry amendments, which were concurred in generally.

On motion of Mr. Stevens,

Ordered, That the bill authorizing the appointment of constables and defining their duties be re-committed to a select committee and that Mr. M'Kinney be said committee.

Mr. Robb moved to amend "the bill to regulate the mode of doing county business in this State," by striking out \$70 in the 5th line of the 25th section, and inserting in lieu thereof \$50.

A division of the question being called for, the question was upon striking out.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Ewing, Frisbie, Robb, Sering and Whitcomb—6.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Stevens, Watts and Worth—17.

So \$70 was not stricken out.

Mr. Whitcomb moved to amend said bill as follows: after the numbers one, two, and three, in the tenth section and sixth line, add these words, "which numbers are to be determined by lot."

And on the question, shall this bill be so amended? it was determined in the negative.

Mr. Clendenin moved to re-commit said bill with instructions to so change the bill, that county business shall be done by boards of justices, instead of commissioners as the bill contemplates.

And on the question, "Shall the bill be so re-committed?" it was determined in the negative.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Lomax, Orr, Watts, Whitcomb and Worth—9.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Morgan, M'Kinney, Pennington, Robb, Sering, and Stevens—14.

Mr. Robb moved further to amend said bill by adding the

following words to the end of the 25th section, "and the county in any manner whatever."

And the ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Ewing, Fletcher, Frisbie, Givens, Graham, Lomax, Morgan, M'Kinney, Pennington, Robb, Sering, Whitcomb and Worth—16.

Those who voted in the negative, are

Messrs. Depauw, Gregory, Lemon, Linton, Orr, Stevens and Watts—7.

So said motion was determined in the affirmative.

Mr. Frisbie moved to re-commit said bill to the committee on revision, with instructions so to amend the same as to make the compensation of the commissioners one dollar and fifty cents per day.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Frisbie, Graham, Gregory, Lomax, Orr, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Clendenin, Fletcher, Givens, Lemon, Linton, Morgan, M'Kinney, Pennington, Robb, Sering, Stevens, and Watts—12.

Mr. Whitcomb moved further to amend said bill by adding the following as an additional section:

"Sec. The mode of doing county business by a board of justices as the same now exists in Monroe county, and the present law authorizing the same shall hereafter exist and be in full force in Monroe and Greene counties, any thing in this act to the contrary notwithstanding, so that no commissioners shall be elected and no districts laid out in said county as in this act is required: *Provided, however,* That the mode of electing township officers by the electors of the several townships, and of filling the vacancies of such township officers by the board of justices, shall in all respects obtain in said last named counties as prescribed in this act."

Mr. Givens moved to amend said amendment by inserting after "Greene," "Posey, Vanderburgh and Warrick"—which motion was decided in the negative.

Mr. Depauw moved to amend said amendment by inserting after Greene, "Washington," which motion was negatived.

And the question again recurring on Mr. Whitcomb's amendment, it was determined in the negative.

Ordered, That said bill be engrossed for a third reading.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following act and joint resolutions, entitled an act and joint resolutions, to wit:

An act to incorporate the Levenworth Seminary, and

A joint resolution in favor of William Lindsey, Howard Putnam, Peter Houston, Francis Odler, (or Outler) Cutbirth Tisdell, William Ray and William Owens, soldiers of the revolution.

A joint resolution of the General Assembly on the subject of the Michigan road, and

A joint resolution relative to the Illinois Grant.

Mr. Worth from the joint committee on enrolled bills,

Reported, That they had compared the enrolled with the engrossed joint resolution, entitled

A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis, and

A memorial of the General Assembly of the state of Indiana to the Senate and House of Representatives of the United States in Congress assembled;

And had found the same truly enrolled.

The engrossed bill from the House of Representatives, entitled "An act to incorporate the Wabash Insurance Company," was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

And the Senate adjourned.

FRIDAY, DECEMBER 24, 1830.

The Senate assembled.

Mr. Watts moved to re-consider the vote of yesterday on the bill from the House of Representatives entitled "An act to

dissolve the bands of matrimony between Danl. Bilderback and Abigail his wife," and the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Orr, Stevens, and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Lomax, Morgan, M'Kinney, Pennington, Robb, Sering, Watts and Whitcomb—12.

So said motion was decided in the negative.

A message from the Governor by Mr Forsee, his private Secretary.

MR. PRESIDENT,

I am requested by His Excellency the Governor, to inform the Senate, that he has approved, and filed in the Secretary's office on this day, the following joint resolutions, to wit:

"A joint resolution in favor of William Lindsey, Howard Putnam, Peter Houston, Francis Odler, (or Outler) Cutbirth Tisdell, William Ray and William Owens, soldiers of the revolution."

"A joint resolution relative to the Illinois Grant," and

"A joint resolution of the General Assembly, on the subject of the Michigan road."

Mr. M'Kinney presented the petition of Abraham Lee and others, citizens of Franklin county, praying the repeal of the law regulating the practice of Medicine, which was read, and,

On motion of Mr. Claypool, referred to the committee on revision.

The President laid before the Senate the petition of Saml. Merrill, chairman of the Executive committee of the Indiana Historical Society, praying an act of incorporation of said Society, which was read, and,

On motion of Mr. Fletcher, referred to the committee on education.

Mr. Blair, from the select committee to which was referred "the bill for the relief of the subscribers to the State Prison," reported the same without amendment.

And on the question, shall this bill pass to a third reading? *it*

was carried in the affirmative.

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Frisbie, Givens, Graham, Lemon, Lomax, M'Kinney, Pennington, Robb, Sering, Stevens, Watts and Worth—15.

Those who voted in the negative, are

Messrs. Clendenin, Ewing, Fletcher, Gregory, Linton, Morgan, Orr and Whitcomb—8.

Mr. Depauw, from the select committee to which was referred so much of the Governor's message as relates to the formation of congressional districts, in anticipation of the apportionment by Congress, of Representatives to that body on the census of 1830,

Reported, That the committee had had the subject under consideration, and are of opinion that it is inexpedient, at the present session, to legislate thereon—consequently they ask leave to be discharged from the further consideration thereof, which was read, and,

On motion,

Ordered, That the committee be discharged.

Mr. Frisbie from the select committee to which was referred the petition of Richard Deen and others, praying the appointment of pilots at Flint Island Bar, reported "A bill authorizing the appointment of pilots at the Flint Island Bar," which was twice read and ordered to be engrossed for a third reading.

Mr. Fletcher moved the adoption of the following resolution:

Resolved, That the committee on roads and highways report a bill providing for a just distribution of the three per cent. fund to each county in this state, taking into consideration the amount of that fund already expended in the several counties,—and also, provide that the dividend which belongs to each county may hereafter be annually drawn and expended by the boards doing county business, for the improvement of roads and highways in the respective counties.

On motion of Mr. Pennington,

Ordered, That it lie on the table.

The Senate proceeded to consider the orders of the day.

¶ The bill to re-locate a part of the state road from Indian-

apolis by way of Danville to Montezuma," was read the second time, and,

On motion of Mr. Orr, referred to a select committee.

Ordered, That Messrs. Orr, Blair and Fletcher be the committee.

Mr. Orr, (having obtained leave,) presented the remonstrance of J. Lucas and others, against the passage of the bill last named, which was read, and,

On motion of Mr. Orr, referred to the same select committee to which said bill was referred.

The engrossed bills and joint resolution from the House of Representatives entitled as follows, to wit:

"An act for the benefit of John Rodgers."

"An act to amend an act for the relief of the infant heirs of Wesley Harrison, dec'd." approved Dec. 18, 1828.

"A joint resolution authorizing asylums in the counties of Harrison, Wayne and Jefferson." Also,

A joint resolution of the Senate, relative to the improvement of a harbour on Lake Michigan, were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the last named joint resolution, requested.

The bill to provide for the re-location of part of a state road from Greencastle in Putnam county, through Rockville in Parke county, to Newport in Vermillion county, was read the third time.

And on the question, "Shall this bill pass?" it was carried in the affirmative.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The bill to regulate the mode of doing county business in this state was read the third time, and,

On the question, "Shall this bill pass?" it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Morgan, M'Kinney, Pennington, Robb, Sering, Stevens, Whitcomb, and Worth—16.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Lomax, Orr, and Watts—7.

The Senate according to order resolved themselves into a committee of the whole on the joint resolution for the relief of certain persons therein named; and after some time spent therein, the President resumed the chair, and Mr. Graham reported progress, and asked leave to sit again:

And on the question, "Shall leave be granted to the committee?" it was carried in the affirmative.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order resolved themselves into a committee of the whole Senate upon "the bill subjecting real and personal estate to execution," and after some time spent therein the President resumed the chair, and Mr. Lemon reported the same with sundry amendments, which were read and concurred in generally.

Mr. Lemon moved to amend said bill by striking out that part, which allows to insolvent debtors' families "two months provisions," and insert in lieu thereof "three months provisions," which was determined in the negative.

Ordered, That said bill as amended be engrossed for a third reading.

The following resolution was moved for adoption,

Resolved, That when the Senate adjourn, it be to Monday morning at 9 o'clock.

And the ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Depauw, Ewing, Fletcher, Frisbie, Linton, Lemon, Morgan, M'Kinney, Orr, Sering, Stevens, and Worth—13.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Givens, Graham, Lomax, Pennington, Robb, Watts, and Whitcomb—9.

So said resolution was adopted.

And the Senate adjourned.

MONDAY, DECEMBER 27th, 1830.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives has passed the following engrossed bills and memorial from the Senate, entitled

"An act concerning the Auditor of public accounts and the Treasurer of State."

"An act respecting apprentices."

"An act to change part of the road from Mauks ferry to Indianapolis and for other purposes," and

"A memorial to the Congress of the United States on the subject of Asylums and land to construct them."

The last named bill with an amendment, in which the concurrence of the Senate is requested. The rest without amendment.

They have also passed engrossed bills of the House entitled as follows, viz:

"An act authorizing domestic attachment and regulating proceedings thereon."

"An act regulating divorces."

"An act authorizing the writ replevin."

"An act relative to foreign attachment," and

"An act to provide for the appointment of Circuit Prosecutor and defining his duties. In which I am directed to ask the concurrence of the Senate.

The bills from the House of Representatives entitled acts as follows, to wit:

"An act authorising domestic attachments, and regulating proceedings thereon."

"An act regulating divorces."

"An act authorising the writ of replevin."

"An act relative to foreign attachments, and

"An act to provide for the appointment of Circuit Prosecutor and defining his duties,"

Were severally read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The amendment proposed by the House of Representatives to the bill of the Senate entitled "An act to change a part of

the road from Mauk's ferry to Indianapolis, and for other purposes was read, and,

On motion of Mr. Graham, agreed to, with the following amendment, in the 4th line after the word "road," insert the following "unless the same shall be vacated by the board doing county business."

Ordered, That the House of Representatives, be informed thereof, and their concurrence requested.

Mr. Worth presented the petition of Jas. Tho. Liston, and others, citizens of Randolph, Wayne and Delaware counties, praying an appropriation of money to improve the navigation of the Mississinewa river, which was read, and referred to the committee on roads.

Mr. Fletcher presented the petition of William Laughlin, and others, citizens of Marion county, praying the repeal of the law regulating Medical societies, which was read and referred to the committee on revision.

Mr. Linton from the committee on revision, reported, "A bill relating to county seminaries,"

Which was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Graham, from the same committee, reported, "A bill to regulate the mode of summoning and empannelling grand and petit jurors, which was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Pennington moved the adoption of the following resolution.

Resolved by the Senate, That James Scott, Jesse L. Holman, and Isaac Blackford, be recommended to the Governor, as suitable persons to fill the office of Judges of the Supreme Court of this State, for the term of seven years, from and after the 28th of this month, and that he be advised to nominate the same to the Senate.

On motion of Mr. Morgan,

Ordered, That it lie on the table.

Mr. Fletcher offered for adoption the following resolution,

Resolved, That the enrolling Clerk of the Senate be directed to copy from the revised bills passed at this session, the marginal references, in enrolling the same, which was decided in the negative.

Mr. Orr moved for adoption the following resolution,

Resolved, That the committee on the judiciary be instructed to inquire into the constitutionality of an act entitled "an

act to prohibit the wearing of concealed weapons," and reported by bill or otherwise, which was determined in the negative.

The Senate proceeded to consider the orders of the day.

The bill authorizing the appointment of Pilots in the county of Perry, and

The bill for the relief of subscribers to the State Prison were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The bill subjecting real and personal estate to execution, was read the third time, and

On motion of Mr. Whitcomb, was committed to a select committee with instructions so to amend the same as to provide for four return days of executions, to be uniform throughout the State in manner following, to wit:

One of said return days to be on the first day of each term of the circuit court, and one three months after the first day of each term—and also, further to amend said bill by providing that sheriffs or coroners shall not be liable to any action or prosecution for taking goods and chattels if found in the possession of the defendant unless previously to such levy such officer have notice in writing, from the claimant of his or her claim.

Ordered, That Messrs. Whitcomb, Stevens and Frisbie be the committee.

The Senate again according to order resolved themselves into a committee of the whole, on the joint resolution for the relief of certain persons therein named, and after some time spent therein the President resumed the chair, and Mr. Graham reported the same without amendment—and before the question on ordering the resolution to a third reading was taken,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the joint resolution for the relief of certain persons therein named—and on the question shall this bill be engrossed for a third reading—it was carried in the affirmative.

The President laid before the Senate the following communication, enclosing a report from the Auditor of public accounts.

AUDITOR'S OFFICE,
Indianapolis, Dec. 27, 1830. }

HON. MILTON STAPP,
President of the Senate,

SIR—The enclosed report exhibits the *total* amount received and expended of the Wabash and Erie canal fund, up to this date.

As the canal commissioners have not as yet filed in this office the necessary maps, tract books and register of sales, a report more in detail cannot at this time be made.

I am respectfully

Sir, your obt. servt.

MORRIS MORRIS, *A. P. A.*

Which was read and referred to the committee on canals and internal improvements.

A message from the House of Representatives, by Mr. Sheets, their clerk.

MR. PRESIDENT:

The House of Representatives has agreed to the amendment proposed by the Senate to the engrossed bill of the House entitled an act authorising Asylums in the counties of Wayne and Harrison.

A message from the House of Representatives, by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed, without amendment, an engrossed bill from the Senate entitled "an act for the formation of Congressional districts and for the election of Senators and Representatives in Congress:" also engrossed bills and joint resolutions of the House entitled as follows, viz:

"An act organizing the Supreme Court and defining its powers and duties."

"An act organising Circuit Courts and defining their powers and duties."

"An act to regulate descents, distribution and dower."

"An act defining the duties of Recorder," and

"A joint resolution to improve the navigation of the Wabash and White rivers,"

In which the concurrence of the Senate is requested.

Said bills were severally read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The joint resolution from the House of Representatives to improve the navigation of the Wabash and White rivers, was twice read, and

On motion of Mr. Ewing, referred to the committee on canals and internal improvements.

The Senate according to order resolved themselves into a committee of the whole Senate on the bill concerning the Secretary of State, and after some time spent therein the President resumed the chair, and Mr. Gregory reported the same without amendment.

Ordered, That it be engrossed for a third reading.

The Senate according to order resolved themselves into a committee of the whole upon "the bill for the prevention of frauds and perjuries," and after some time spent therein the President resumed the chair and Mr. Linton reported progress and asked leave to sit again, which leave was granted by the Senate.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed joint resolution entitled,

A joint resolution for the benefit of John Rodgers—and found the same truly enrolled.

And the Senate adjourned.

TUESDAY, DECEMBER 28th, 1830.

The Senate assembled.

Mr. Fletcher from the committee on the affairs of the town of Indianapolis to which was referred, the engrossed bill from the House of Representatives entitled "An act for the relief of purchasers of out lots adjoining the town of Indianapolis," reported the same with an amendment which was read and concurred in.

Ordered, That the amendment be engrossed for a third reading.

Mr. Gregory from the committee on apportionment reported, "A bill apportioning the Senators and Representatives in the several counties and districts in this State, which was read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Watts, moved that 100 copies of said bill be printed

for the use of the Senate—which was carried in the affirmative.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The Speaker of the House of Representatives having signed an engrossed joint resolution for the benefit of John Rodgers, I am directed to bring it to the Senate for the signature of their President.

Said bill having been signed by the President was handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Lemon from the select committee to which was referred a resolution of the Senate directing them to report a memorial to congress, requesting a donation of a portion of public lands that lie between the Falls of Ohio and the town of Columbus, to aid in constructing a road for a mail route from Louisville to Indianapolis, reported, "A memorial of the General Assembly of the State of Indiana on the subject of a mail route from the Falls of Ohio to Indianapolis by way of Columbus in Bartholomew county,"

Which was twice read, and ordered to be engrossed for a third reading.

Mr. M'Kinney from the select committee to which was referred "the bill to authorise the appointment of constables and defining their duties, reported the same with sundry amendments, which were read and concurred in.

Ordered, That the bill as amended be engrossed for a third reading.

Mr. Whitcomb from the select committee to which was committed "the bill subjecting real and personal estate to execution, with certain instructions, reported the same with amendments, which were by striking out the 28th section and inserting in lieu thereof a new section and by adding an amendment to the ninth section, which were severally read and concurred in.

Ordered, That said bill as amended be engrossed for a third reading.

Mr. Givens introduced "A memorial and joint resolution of the General Assembly of the State of Indiana on the improvement of the navigation of the Wabash river which was twice read and ordered to be engrossed for a third reading

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives has agreed to the amendment proposed by the Senate to the amendment made by the House to the engrossed bill of the Senate entitled "an act to change part of the road from Mauk's ferry to Indianapolis and for other purposes.

Mr. Claypool moved to take up the engrossed bill from the House of Representatives, entitled "An act for the relief of the collector of Fayette county, which was carried in the affirmative.

Ordered, That said bill pass to a third reading.

The Senate proceeded to consider the orders of the day.

The joint resolution for the relief of certain persons therein named was read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

The engrossed bill concerning the Secretary of State "was read the third time, and

On motion of Mr. Pennington was committed to a select committee with instructions to define all the duties, and prescribe the salary of the Secretary of State.

Ordered, That Messrs. Pennington, Gregory and Claypool be the committee.

The Senate again resolved themselves into a committee of whole, on the bill for the prevention of frauds and perjuries, and after some time spent therein the President resumed the chair, and Mr. Linton reported the same with sundry amendments which were read and concurred in with the exception of the following:

"1st. Strike out that part of the bill which makes it necessary that *nuncupative* wills should be committed to writing within "six days," and insert in lieu thereof "fifteen days," and on the question will the Senate concur in the amendment, it was carried in the affirmative.

2d. Add to the last section of said bill the following proviso, "*Provided however*, That such lien shall be divested in favor of any writ of fieri facias or other writ of execution subsequently, or at the same time delivered to any other officer, if such officer shall make the first levy by virtue of such writ of execution in his hands on such goods, and proceed with due diligence in perfecting the execution of his said writ—

and on the question will the Senate concur in this amendment,
it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Graham, Linton, Lomax, Orr, Pennington, Robb, Sering, Whitcomb, and Worth—13.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Givens, Gregory, Morgan, M'Kinney, Stevens, and Watts—8.

Ordered, That said bill as amended be engrossed for a third reading.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order resolved themselves into a committee of the whole on the joint resolution from the House of Representatives for a turnpike road from Lawrenceburgh, to the southern bend of the St. Joseph's river, and after some time spent therein the President resumed the chair and Mr. Lomax reported the same with an amendment, which was read and concurred in by the Senate.

Mr. Whitcomb moved to amend the said joint resolution by inserting after the words "St. Joseph's county," the following "and also for each mile of another road to be located from the Horse-shoe bend by the way of Paoli, Bedford, Bloomington, Martinsville and ending at a point in the Michigan road directly east of Frankfort in Clinton county."

Mr. Gregory moved to amend, said amendment by adding thereto, the following "and the whole of the unappropriated lands for the use of roads."

And on the question shall the amendment proposed by Mr. Gregory be adopted.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Frisbie, Givens, Graham, Gregory, Lemon, Morgan, and Pennington—8.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Linton, Lomax, M'Kinney, Orr, Robb, Sering, Stevens, Watts, Whitcomb, and Worth, —14.

So said motion was determined in the negative.

The question again recurring on Mr. Whitcomb's amendment.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Orr, Pennington, Robb, Stevens, and Whitcomb—14.

Those who voted in the negative, are

Messrs. Claypool, Linton, Lomax, Morgan, M'Kinney, Sering, Watts and Worth—8.

So said amendment was carried in the affirmative.

Mr. Robb moved further to amend said joint resolution by striking out the following words, to wit: "aid the state of Indiana in constructing," and inserting the following word, "construct," in lieu thereof, which motion was determined in the negative.

On motion of Mr. Claypool said joint resolution was referred to a select committee.

Ordered, That Messrs. Claypool, Worth and Lomax be the committee.

The Senate resolved themselves into a committee of the whole, on the joint resolution relative to the tariff and internal improvements; and after some time spent therein, the President resumed the chair, and Mr. Morgan reported progress and asked leave to sit again; which leave was granted by the Senate.

Mr. Fletcher from the joint committee on enrolled bills, reported that they did on this day present to the Governor for his approval and signature the following joint resolution entitled "A joint resolution for the benefit of John Rodgers."

Mr. Worth from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills of the following titles, to wit—

"An act to repeal certain acts relative to Gibson county."

"An act for the location and opening a state road from Lo-

gansport by way of Turkey creek and Elkhart Prairie to the northern line of the state in the direction of Pigeon Prairie in Michigan Territory."

"An act authorizing asylums in the counties of Wayne, Jefferson and Harrison."

"An act to amend an act entitled "an act for the relief of the infant heirs of Wesley Harrison, dec'd." approved Dec. 18, 1828."

"An act to incorporate the Wabash Insurance Company."

"A memorial to the Congress of the United States on the continuation of the Cumberland road;" and

"A joint resolution on the subject of a Land office in the northern part of this state;"

And had found the same truly enrolled.

The Senate according to order resolved themselves into a committee of the whole on the bill concerning clerks, and after some time spent therein the President resumed the chair, and Mr. M'Kinney reported the same with sundry amendments, which were read and concurred in generally.

Mr. Robb moved to amend said bill by adding the following proviso to the 13th section, to wit: "*Provided*, That no extra allowance whatever shall be made to any clerk, for office rent, fuel, or stationary, other than books."

And on the question shall said proposed amendment be adopted; it was determined in the negative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Frisbie, Robb and Whitcomb—3.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Sering, Stevens, Watts, and Worth—19.

Ordered, That said bill be engrossed for a third reading.

And the Senate adjourned.

WEDNESDAY, DECEMBER 29, 1830.

The Senate assembled.

Mr. Linton from the committee on education to which was

referred a communication of the Governor covering a proposition of Jonathan Elliott to furnish the state with copies of debates on the Federal Constitution, reported,

"A joint resolution directing the commissioners of the state Library to purchase two sets of the work out of the annual appropriation for the increase of the Library, entitled," "A joint resolution in relation to the state Library," which was read the first time and ordered to a second reading.

Mr. Linton from the committee on education to which was referred the petition of Samuel Merrill and others, praying an act of incorporation for the Indiana Historical Society, reported "A bill to incorporate the Indiana Historical Society," which was twice read and ordered to be engrossed for a third reading.

Mr. Sering from the select committee to which was referred so much of the Governor's message as relates to the tariff, reported "A joint resolution on the subject of the tariff," which was twice read and committed to the same committee of the whole to which was committed "a joint resolution relative to the tariff and internal improvements."

Mr. Claypool from the select committee to which was referred an engrossed joint resolution from the House of Representatives, entitled "A joint resolution of the General Assembly of the state of Indiana for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph's"—reported the same with sundry amendments, which were severally read and concurred in.

Ordered, That said amendments be engrossed for a third reading.

Mr. Graham from the committee on revision, reported "A bill for the relief of insolvent debtors," which was twice read, committed to a committee of the whole Senate and made the order of the day for to-morrow.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT,

The House of Representatives has passed engrossed bills of the House, entitled as follows, viz:

"An act to vacate a part of a certain state road therein named and for other purposes."

"An act regulating distress for rent;" and

"An act concerning tenants holding over;" in which the concurrence of the Senate is requested.

The first named bill was read the first time and ordered to a second reading.

The two last were severally read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. M'Kinney, from the committee on revision, reported "A bill regulating the duties and jurisdiction of Justices of the Peace;" which was twice read, committed to a committee of the whole Senate and made the order of the day for to-morrow.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Worth,

Resolved, That the Secretary of State and State Librarian report to the Senate the number of books in the State Library, and inform them what books, if any, are missing, or are withheld, or have been withdrawn from the State Library, and by whom; and that he further report whether any, and if any, what maps, books, charts, &c. have been sent to the Library or to the Department of State, or Executive Department, since the last session of the Legislature, and particularly, that he report whether the civil or penal code of Louisiana, or both, were not, some years since, sent to the office of the Secretary of State or to the Governor for the time being, for the use of the State; and whether said codes, or either of them, be now in the State Library, or in his office, and if not, what has become of the said Louisiana code? and that the Secretary and Librarian address letters to his predecessors in office and to the Governor, Auditor, and Treasurer of State, and request their answers, for the purpose of giving to the Senate full information of the situation of the Library and of the books which are or may be missing or withheld.

Mr. Sering introduced "a bill to incorporate the President and Directors of the State Bank of Indiana," which was read the first time and ordered to a second reading.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills, joint resolutions and memorials, entitled as follows, to wit:

"An act to provide for a state road from Terre Haute in Vigo county, via Carlisle to Mount Pleasant in Martin county."

"An act to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county."

"An act to repeal certain acts relative to Gibson county."

"An act to authorize the board of justices of Dubois county to levy an additional tax."

"An act for the location and opening a state road from Logansport via Turkey creek and Elkhart prairie to the northern line of the state in the direction of Pigeon prairie in Michigan Territory."

"An act to incorporate the Wabash Insurance Company."

"An act authorizing asylums in the counties of Wayne, Harrison and Jefferson."

"An act to amend an act, entitled "an act for the relief of the infant heirs of Wesley Harrison, deceased, approved Dec. 18th, 1828."

"A joint resolution of the General Assembly of the state of Indiana, directing the Secretary of State to deliver certain public documents to the board of trustees of Indiana College."

"A joint resolution relative to purchasers of public lands."

"A joint resolution of the General Assembly of the state of Indiana relative to the Indians and Indian lands within the state."

"A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis."

"A joint resolution of the General Assembly of the state of Indiana, on the subject of a land office in the northern part of said state."

"A memorial to the Congress of the United States on the subject of asylums and for land to construct them."

"A memorial of the General Assembly of the state of Indiana on the continuation of the construction of the Cumberland road;" and

"A memorial of the General Assembly of the state of Indiana, to the Senate and House of Representatives of the United States in Congress assembled;"

I am directed to bring them to the Senate for the signature of their President.

The President having signed said bills, memorials and joint resolutions, they were handed to the committee on enrolled

bills to be presented by them to the Governor for his approval and signature.

The Senate proceeded to consider the orders of the day.

The engrossed bills from the House of Representatives entitled as follows:

"An act for the relief of the collector of Fayette county," and,

"An act for the relief of purchasers of out lots adjoining the town of Indianapolis," were severally read the third time and passed, the latter with an amendment.

Ordered, That the House of Representatives be informed thereof and their concurrence to the proposed amendment requested.

"The engrossed bill subjecting real and personal estate to execution,"

"The engrossed bill authorizing the appointment of constables and their duties,"

"The engrossed bill for the prevention of frauds and perjuries."

"The memorial and joint resolution on the subject of M'Arthur's Island," and

"A memorial of the General Assembly of the state of Indiana, on the subject of a mail route from the Falls of Ohio to Indianapolis by way of Columbus in Bartholomew county," were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, joint resolutions and joint memorials, to wit:

An act to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county.

An act to provide for a state road from Terre Haute in Vigo county via Carlisle to Mount Pleasant in Martin county.

An act to repeal certain acts relative to Gibson county.

An act to authorize the board of Justices of Dubois county, to levy an additional tax.

"An act for the location and opening a state road from Logansport by way of Turkey creek and Elkhart Prairie to the northern line of the state in the direction of Pigeon Prairie in Michigan Territory."

"An act to incorporate the Wabash Insurance Company."

"An act authorizing asylums in the counties of Wayne, Jefferson and Harrison."

"An act to amend an act entitled "an act for the relief of the infant heirs of Wesley Harrison, dec'd." approved Dec. 18, 1828.

A joint resolution of the General Assembly of the state of Indiana, directing the Secretary of State to deliver certain documents to the board of trustees of "Indiana College."

A joint resolution relative to purchasers of public lands.

A joint resolution of the General Assembly of the state of Indiana relative to the Indians and Indian lands within the state.

A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis.

A joint resolution of the General Assembly of the state of Indiana on the subject of a land office to be established in the northern part of said state.

A memorial to the Congress of the United States on the subject of Asylums and for lands to construct them.

A memorial of the General Assembly of the state of Indiana on the continuation of the construction of the Cumberland road.

A memorial of the General Assembly of the state of Indiana to the Senate and House of Representatives of the United States in Congress assembled.

And the Senate adjourned.

THURSDAY, DECEMBER 30th, 1830.

The Senate assembled.

Mr. Watts from the select committee to which was referred "an engrossed bill from the House of Representatives entitled, "An act confirming to John J. Akin jr., Alexander Walker and John J. Livingston certain rights,

Reported, That they had examined the subject, and had made one amendment, which is, to strike the bill out from the enacting clause and insert in lieu thereof three new sections.

Said amendment was read and concurred in.

Ordered, That it be engrossed for a third reading.

Mr. Graham, from the committee on revision, reported "A bill to regulate marriages, which was read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills of the following titles to wit:

An act to authorise the board of justices of Dubois county to levy an additional tax.

An act to provide for a state road from Terre-Haute in Vigo county via Carlisle to Mount Pleasant in Martin county.

An act to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county.

An act in addition to an act entitled "an act to authorize the sale of a site for a steam mill at Indianapolis, approved, January 26, 1827.

An act for the relief of Jonathan Legg and Elizabeth Thacker, and also the following joint resolution to wit:

A joint resolution of the General Assembly of the State of Indiana directing the Secretary of State to deliver certain public documents to the board of trustees of "Indiana College,"

A joint resolution relative to the purchasers of public lands.

A joint resolution of the General Assembly of the State of Indiana relative to the Indians and Indian lands within the State, and

A memorial to the Congress of the United States on the subject of asylums and lands to construct them.

And found said acts and joint resolutions truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has passed without amendment, an engrossed bill and joint resolution of the Senate, entitled "an act to provide for the relocation of part of a state road from Greencastle in Putnam county through Rockville in Parke county to New-Port in Vermillion county," and

"A joint resolution relative to the improvement of a harbor on lake Michigan," also engrossed bills and a joint resolution of the House entitled,

"An act making an appropriation for procuring a fire engine for the town of Indianapolis."

"An act for the relief of John Smith and others."

"An act regulating the taking up of animals going astray, and water crafts and other articles of value adrift, and

"A joint resolution on the subject of the Steam Mill proposed to be erected on the donation near Indianapolis,"

In which acts and joint resolution of the House the concurrence of the Senate is requested.

The engrossed bills from the House of Representatives entitled "An act making an appropriation for procuring a fire engine for the town of Indianapolis, and

"An act for the relief of John Smith and others," also,

A joint resolution from the House of Representatives on the subject of the Steam Mill proposed to be erected on the donation near Indianapolis, were severally read the first time and ordered to a second reading.

The engrossed bill from the House of Representatives entitled "An act regulating the taking up of animals going astray and water craft and other articles of value adrift, was read twice and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Gregory from the committee on roads, reported "A bill providing for selecting, surveying and selling the Michigan road lands.

Which was read the first time and ordered to a second reading.

M. Ewing introduced "A joint resolution to learn the expense of paupers in this State."

Which was read the first time and ordered to a second reading.

The Senate proceeded to consider the orders of the day.

The engrossed joint resolution in relation to the State Library, was read the second time and committed to the committee on revision.

The engrossed bill from the House of Representatives entitled "An act to vacate a part of a certain State road therein named and for other purposes, was read the 2d time, and ordered to third reading.

"The bill to incorporate the President and Directors of the State bank of Indiana," was read the second time, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The engrossed joint resolution of the General Assembly from the House of Representatives for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph's river was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence to the proposed amendments requested.

On motion of Mr. Claypool, the title of said joint resolution was amended so as to read as follows:

"A joint resolution of the General Assembly of the State of Indiana relative to two certain roads therein named."

The engrossed bill to incorporate the Indiana Historical Society was read the the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

"The bill concerning Clerks" was read the third time, and

On motion of Mr. Graham committed to a select committee.

Ordered, That Messrs. Graham, Whitcomb, and Fletcher be the committee.

The Senate according to order resolved themselves into a committee of the whole Senate, on the bill establishing a county treasurer, and after some time spent therein the President resumed the chair, and Mr. Orr, reported the same with sundry amendments, and before the question was taken on concurring therein.

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the bill establishing county a treasurer.

On motion the Senate concurred generally in the amendments to said bill with the exception of the following to wit:

"Add to the 7th section the following, "If any person shall wish to vend clocks in this State, such person shall procure a license by paying the sum that may be required of him by the board doing county business in the same manner as is prescribed to retailers of foreign merchandize, which license shall authorize him to sell wooden clocks in the county where such license was obtained and not elsewhere."

Mr. Robb moved to amend said amendment by adding after the word "sum" these words "not exceeding \$30;" which motion was carried in the affirmative.

Mr. Lemon moved further to amend said amendment by adding after the word "clocks" the following, "made of wood and partly of other materials;" which motion was carried in the affirmative.

Mr. Linton moved further to amend said amendment by striking out these words, "in this state," and inserting after the word "materials," these words, "manufactured out of this state; which motion was carried in the affirmative.

And on the question, will the Senate concur in the amendment as amended? it was determined in the negative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Lemon, Linton, Morgan, Orr, Robb, and Stevens—7.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lomax, M'Kinney, Pennington, Sering, Watts, Whitcomb and Worth—15.

And on the question, will the Senate concur in the second amendment excepted to, which reads as follows: "In the 7th line of the same section strike out "five" and in lieu thereof insert "ten"—it was carried in the affirmative.

Mr. Sering moved further to amend said bill by adding thereto the following proviso:

"*Provided*, That it shall be lawful for any travelling merchant to obtain a license in one county which shall authorize the sale of merchandize in any other county for any period not exceeding six months," which motion was determined in the negative.

Said bill was then ordered to a third reading.

The Senate according to order resolved themselves into a committee of the whole on the bill from the House of Representatives entitled "an act authorizing Matthew Flinn to convey certain lots in the town of Leesville;" and after some time spent therein, the President resumed the chair, and Mr. Pennington reported the same without amendment.

Ordered, That it pass to a third reading.

A message from the House of Representatives, by Mr. Sheets, their clerk.

MR. PRESIDENT:

The House of Representatives has agreed to the amendment proposed by the Senate to the engrossed bill of the House

entitled "an act for the relief of purchasers of out lots adjoining the town of Indianapolis."

The Senate according to order resolved themselves into a committee of the whole Senate on the engrossed bill from the House of Representatives entitled "an act for the relief of James Faris, trustee of the county seminary of Dubois county;" and after some time spent therein the President resumed the chair, and Mr. Robb reported the same without amendment.

Ordered, That said bill pass to a third reading.

On motion of Mr. Fletcher,

The committee of the whole was discharged from the consideration of "the engrossed bill from the House of Representatives entitled "an act compensating George Pea for extra causewaying on the state road leading from Brookville to Indianapolis."

Mr. Graham moved to lay said bill on the table which motion was carried in the affirmative.

The Senate according to order resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives entitled "An act for the relief of Samuel Hanna, and after some time spent therein, the President resumed the chair and Mr. Sering reported the same with an amendment which is by striking out the enacting clause, and

On the question will the Senate concur in the said amendment, it was determined in the negative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Fletcher, Graham, Linton, Lomax, M'Kinney, Pennington, Robb, Sering, and Whitcomb
—11.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Frisbie, Givens, Gregory, Lemon, Morgan, Orr, Stevens, Watts, Worth and Mr. President
—12.

Mr. Fletcher moved to refer said bill to the committee on the judiciary, which was determined in the negative.

Ordered, That it pass to a third reading.

And the Senate adjourned.

FRIDAY, DECEMBER 31, 1830.

The Senate assembled.

Mr. Graham from the select committee to which was referred the bill concerning clerks, reported the same with an amendment, which was read and concurred in.

Said bill as amended was read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

Mr. Sering from the select committee to whom was referred a communication on the flax manufacturers of the United States, made the following report:

Mr. PRESIDENT,

The select committee to whom was referred a communication of "the flax manufacturers of the United States," have given the same due consideration and report,

That although the subject is one of much importance, and is worthy the attention of the community at large; yet the age of the State, and the small proportion of our soil prepared for cultivation, would, in the opinion of your committee, render it unnecessary and improper to pass any legislative act to promote the cultivation of flax; yet they deem it of much importance that our citizens should be in possession of correct information on the subject. The annual importation into the United States, of flax, and goods manufactured therefrom amounts to near \$7,000,000. The present tariff imposes such restriction on the importation of that article as will insure a profit to the cultivator, and open a new source of wealth to the farmer, should his attention be directed to the subject. It is known that in England the cultivator of flax makes a clear profit of about \$35 per acre annually, after paying the whole expense of growing and manufacturing the same together with a rent of \$25 per acre to the landlord, rating the flax at 1½ cents per pound. It is believed that the climate and soil of our State would admit of equal productiveness, if cultivated and manufactured in the same way.

Your committee would therefore ask to be discharged from the further consideration of the subject.

Mr. Worth from the joint committee on enrolled bills reported, that they have compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act for the relief of the collector of Fayette county,³ and,

An act for the relief of purchasers of out lots adjoining the town of Indianapolis.

And found the same truly enrolled.

Mr. Whitcomb, from the committee on revision,
Reported, "A bill declaring certain streams navigable,
Which was twice read, and

On motion of Mr. Graham, re-committed to the committee on revision.

Mr. Gregory moved to instruct the committee "so to amend said bill as to make an uniform system of improving all those streams required to be improved by the labour of the citizens of any county or district, and upon such streams as have had expended upon them any portion of the 3 per cent. fund;

And further to declare all streams in connexion navigable, and to require by heavier penalties on the owner or occupier of any mill dam across such streams their removal.

Mr. Graham moved to amend said instructions by striking it out from the word "fund," which was carried in the affirmative.

And on the question, shall the committee be so instructed? it was determined in the negative.

Mr. Gregory moved to reconsider the vote referring said bill to the committee on revision which was carried in the affirmative.

And on the question, "shall the bill be referred to the committee on revision?" it was determined in the negative.

On motion,

Ordered, That it be committed to a committee of the whole Senate and made the order of the day for to-morrow.

A message from the Governor, by Mr. Forsee, his private secretary.

MR. PRESIDENT,

I am requested by his Excellency the Governor to inform the Senate that he has on this day approved and filed in the Secretary's office the following acts, joint resolutions, and memorials:

An act to authorise the board of justices in Dubois county to levy an additional tax.

An act to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county.

An act to provide for a state road from Terre-Haute in Vigo county via Carlisle to Mount Pleasant in Martin county.

A joint resolution relative to purchasers of public lands.

A joint resolution of the General Assembly of the state of

Indiana, directing the Secretary of State to deliver certain public documents to the board of trustees of "Indiana College."

A joint resolution of the General Assembly of the state of Indiana relative to the Indians and Indian lands within the state.

A memorial of the General Assembly of the state of Indiana on the continuation of the construction of the Cumberland road.

A memorial to the Congress of the United States on the subject of Asylums and for lands to construct them.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has agreed to the amendment proposed by the Senate to the engrossed joint resolution of the House entitled "A joint resolution of the General Assembly of the State of Indiana for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph's river.

Mr. Linton introduced a bill for a state road from Merom to some point on the Terre-Haute and Bono road—which was read the first time and ordered to a second reading.

The Senate proceeded to consider the orders of the day.

The engrossed bills from the House of Representatives entitled,

"An act for the relief of John Smith and others" was read the second time, and

On motion of Mr. Morgan referred to the committee on education.

The joint resolution from the House of Representatives on the subject of the Steam Mill proposed to be erected on the donation near Indianapolis, was read the second time and ordered to a third reading.

The engrossed bill from the House of Representatives making an appropriation for procuring a fire engine for the town of Indianapolis, was read the second time, and

On motion of Mr. Linton, referred to a select committee.

Ordered, That Messrs. Linton, Fletcher and Sering be the committee.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The joint resolution to learn the expense of paupers in this State, and

The bill for selecting, surveying and selling the Michigan road lands, were severally read the second time and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bills from the House of Representatives entitled "An act to vacate a part of a certain State road therein named and for other purposes."

"An act for the relief of Samuel Hanna."

"An act authorizing Matthew Flinn to convey certain lots in the town of Leesville" and

"An act confirming to John J. Akin jr., Alexander Walker and John J. Livingston certain rights,

With an amendment were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence to the proposed amendment requested.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT,

The House of Representatives has passed an engrossed bill of the House entitled "An act for the apportionment of Senators and Representatives to the General Assembly," in which the concurrence of the Senate is requested.

Said bill was read twice and committed to the same committee of the whole to which was referred "A bill of the Senate apportioning the Senators and Representatives to the several counties and districts in this state."

The Senate according to order resolved themselves into a committee of the whole Senate on the joint resolution relative to preparing materials to build a State House on the square designated for that purpose, also,

A resolution of the Senate relative to changing the name of the State House square to that of the Governor's square and the name of the Governor's Circle to that of the State House Circle, and after some time spent therein the President resumed the chair and Mr. Watts reported progress

and asked leave to sit again which leave was granted by the Senate.

• And the Senate adjourned.

SATURDAY, JANUARY 1st, 1831.

The Senate assembled.

Mr. Pennington from the select committee to which was referred the Bill concerning the Secretary of State, reported the same with two amendments.

Mr. Lemon moved to fill the blank in the first amendment, fixing the salary of the Secretary of State, with \$700; and on the question, shall the blank be so filled? it was determined in the negative.

Mr. Lemon then moved to fill the blank with \$650:

Mr. Stevens to fill the blank with \$600:

Mr. Morgan to fill the blank with \$550:

Mr. Orr to fill the blank with \$500.

And on the question, shall the blank be filled with \$650? it was determined in the negative.

And on the question, shall the blank be filled with \$600? it was carried in the affirmative. Said amendments were then concurred in.

Ordered, That the bill as amended be engrossed for a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The House of Representatives has passed without amendment engrossed memorials from the Senate entitled as follows, viz:

“A memorial and joint resolutions on the subject of M^r Arthur’s Island,” and

“A memorial of the General Assembly of the state of Indiana, on the subject of a mail route from the Falls of Ohio to Indianapolis by way of Columbus in Bartholomew county.”

They have also passed engrossed bills and a memorial of the House of the following titles, to wit:

"An act to provide for semi-annual fairs in the counties of Floyd and Switzerland,"

"An act to establish the town of Dayton,"

"An act to incorporate the Lawrence County Seminary,"

"An act establishing a State road from Connersville to Knightstown,"

"An act to locate a state road from Connersville in Fayette county to Louisville in Henry county,"

"An act regulating the fees of the several officers and persons therein named;" and

"A memorial of the General Assembly of the state of Indiana, relative to the improvement of the navigation of the Ohio river."

In which acts &c. the concurrence of the Senate is requested.

The engrossed bills from the House of Representatives entitled,

"An act to establish the town of Dayton," and

"An act to incorporate the Lawrence county Seminary;" were severally read the first time and ordered to a second reading.

The engrossed bills from the House of Representatives entitled,

"An act establishing a state road from Connersville to Knightstown," and

"An act to locate a state road from Connersville in Fayette county to Louisville in Henry county," were severally read twice and

On motion of Mr. Claypool, committed to a select committee.

Ordered, That Messrs. Claypool, Morgan and Lomax be the committee.

The memorial of the General Assembly of the state of Indiana, (from the House of Representatives) relative to the improvement of the navigation of the Ohio river, and

The engrossed bill from the House of Representatives entitled "An act to provide for semi-annual fairs in the counties of Floyd, and Switzerland, were severally read twice and ordered to a third reading.

The engrossed bill from the House of Representatives entitled "An act regulating the fees of the several officers and persons therein named, was twice read, committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. Robb moved to take up a resolution offered by him some time since, which reads as follows:

Resolved, That the committee on canals and internal improvements be instructed to prepare and report to the Senate a memorial to Congress praying an extension of the time allowed for the commencement of the Wabash and Erie canal, and that the state of Indiana may have the election of connecting the navigable waters of the Wabash with those of Lake Erie either by a rail road or said contemplated canal, as she may deem most expedient—and be authorized to apply the proceeds of the canal lands to the construction of such rail road should she deem it most advisable so to connect said navigable waters.

Mr. Morgan moved to amend said resolution by striking out “rail,” and inserting “turnpike,” which was determined in the negative.

Mr. Stevens moved to strike out the words “either by a rail road or said canal,” and insert “both by a turnpike, rail road and said canal,” which motion was decided in the negative.

Mr. Claypool moved to amend said resolution by inserting after the words “either by,” “turnpike road,” which motion was determined in the negative.

Mr. Linton moved to amend said resolution by striking out that part which makes it imperative on the committee to report, and inserting an inquiry into the expediency.

Mr. Stevens moved to lay said resolution on the table, and before the question was taken

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the resolution offered by Mr. Robb, relative to memorializing Congress for an extension of time for the commencement of the Wabash and Erie canal, and for permission, if the state should deem it most advisable, to change said contemplated canal to a rail road, and after debate upon the motion of Mr. Stevens to lay said resolution on the table,

The Senate adjourned.

MONDAY, JANUARY 3d, 1831.

The Senate assembled.

A message from the House of Representatives, by Mr. Sheets, their clerk.

MR. PRESIDENT:

The House of Representatives have agreed to the amendment made by the Senate to the engrossed bill of the House entitled, "an act confirming to John J. Akin, Alexander Walker, and John J. Livingston certain rights."

They have also, agreed to the first, second, fourth and fifth amendments made by the Senate to the engrossed bill of the House entitled "An act establishing a county Treasurer," and have disagreed to the third amendment proposed by the Senate to said last named bill.

The Senate took into consideration the disagreement of the House of Representatives to the third amendment, proposed by the Senate to the engrossed bill from the House of Representatives entitled "An act establishing a county Treasurer."

Mr. Claypool moved, that the Senate recede from said proposed amendment, which was determined in the negative.

Mr. Lomax moved that the Senate *insist* upon said proposed amendment, which was carried in the affirmative.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill of the Senate entitled "An act to incorporate the Indiana Historical Society," without amendment.

They have also passed engrossed bills of the House entitled as follows, viz:

"An act to incorporate the Lawrenceburgh Bridge Company."

"An act for the re-location of the county seat of Boon county;" and

"An act to re-locate part of a state road leading from Fort Wayne in Allen county in the direction to Fort Defiance in the state of Ohio."

In which the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives, entitled "an act to incorporate the Lawrenceburgh Bridge Company," was read twice, and,

On motion of Mr. Watts, referred to a select committee.

Ordered, That Messrs. Watts, Stevens and Gregory be the committee.

The engrossed bill from the House of Representatives, entitled "an act for the re-location of the county seat of Boon county," was read the first time and passed to a second reading.

The engrossed bill from the House of Representatives, entitled "an act to re-locate part of the state road from Fort Wayne in Allen county in the direction to Fort Defiance in the State of Ohio," was read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The President laid before the Senate the following communication from the Adjutant General:

ADJUTANT GENERAL'S OFFICE, }
Indianapolis, Jan'y. 1st, 1831. }

TO THE PRESIDENT OF THE SENATE—

Sir: In obedience to the resolution adopted by the Senate on the 22d ult. I herewith lay before you a detailed report of the strength of the Militia, as received from the Major Generals for the year 1830.—It gives but a very imperfect view of the real strength of the Militia, inasmuch as only three Major Generals have reported, to wit: the commandants of the 5th, 7th and 8th Divisions.

The commandants of the 1st, 2nd, 3d, 4th and 6th divisions have failed.

There are at this time 70 regiments, 19 brigades and 8 divisions—27 companies of artillery and in the following regiments: 1, 2, 3, 5, 6, 7, 11, 13, 14, 16, 17, 18, 20, 22, 23, 26, 28, 29, 36, 40, 42, 50, 54, 55, 56, 59, and 63—and thirty-eight companies of cavalry included in the following regiments: 1, 2, 3, 5, 6, 7, 8, 9, 11, 14, 16, 17, 18, 19, 20, 21, 24, 25, 28, 30, 31, 33, 34, 35, 36, 39, 40, 41, 42, 45, 48, 49, 50, 53, 54, 56, 59, and 63.

I have the honor to be,

Your ob't. serv't.

LIVINGSTON DUNLAP,

Adjutant General.

Which was read, and together with the report, referred to the committee on Military affairs.

Mr. Claypool presented the petition of the Trustees of the Fayette county Seminary, which was read, and,

On motion of Mr. Claypool, referred to the committee on education.

Mr. Stevens presented the petition of sundry officers and others of the 44th regiment on the subject of the collection of fines, which was read, and,

On motion of Mr. Stevens, referred to the committee on military affairs.

Mr. Fletcher presented the petition of Wm. Conner and others, citizens of Hamilton county, praying an alteration of the Fort Wayne and Winchester state roads, which was read and referred to the committee on roads.

Mr. Ewing from the committee on canals and Internal improvements, having obtained leave, made the following

REPORT:

The committee on Canals and Internal Improvements, to whom was referred a portion of the Governor's Message, and also the Reports of our Canal Commissioners and State Engineer, with other matters in Senate, have duly considered the same, and report in part:

That the message presents many objects of improvement, some of which have heretofore received partial aid, and legislative sanction—the Wabash and White Rivers more particularly. To procure means to expend on a speedy improvement of these important streams, together with the advancement of the Wabash and Erie Canal, and the adoption of a general system of State improvement, (of which these Rivers and the Canal must be the basis,) by a lateral work to connect them all with the Ohio, near the falls, at New Albany, must continue to be the cardinal policy of Indiana. To create and model such a system at the present time, would be premature, and if now established, its beneficial results would be questionable, until the chief parts to form a basis be completed, and then the lateral work of union will be rendered obviously proper. In the mean time, our State energies should be concentrated on this great basis of a general accommodation. Under existing circumstances, this course is evidently proper. Our state is happily exempt from such rivers and mountains, as engender distinct interests elsewhere—ours have rather a

pleasing tendency, like our language, our laws and products, they are enjoyed in common, and our views of improvement should also be homogeneous, for such will soon become the entire character of our population. With a soil fresh and fertile, our citizens evince industry and enterprize; and a provident care of our means, with the exercise of a becoming emulation, must in due time enable us to perfect the glorious State object above alluded to. We have the example of sister states prosecuting works of utility, and becoming prosperous by their efforts. Mere professions of devotion to such measures will not benefit us now—the time has come for action. The increasing agricultural interest of our state calls aloud for the advantages of a more extended commerce; and our young manufactures, with every description of home industry, require additional facilities to increase the prosperity and happiness of all. The means of interchanging products at once increase a demand for them; and as a convenient channel of conveyance reduces the price of carriage, or opens new markets, it always tends to increase the value of labor. Communication must increase in proportion to its convenience; and population will continue to multiply at a pace correspondent with the means of employment. The improvement and extension of the navigation of the Wabash, to unite with the waters of Lake Erie, will present the nearest route by which four or five sister states can participate in eastern trade, and benefit by eastern markets. The ensuing ten years may be expected to double our population; and in much less time, this outlet, if completed, will double our trade.—Our river navigation, with some other interesting objects of improvements referred, will constitute the matter of another report; and your committee confine their views, at this time, to the subject of the Wabash and Erie canal.

The period has come, when this work recommends itself to the interest and regard of every citizen; and as its prospective benefits are admitted, arguments on that view of the matter are unnecessary. The short-sighted delay of Ohio to ratify the compact for extending the line through her territory—the “*ulterior project*” of a rail road intimated to be “less expensive and equally valuable”—and an ideal apprehension of State exactions, by way of taxation, to complete the work, seem to be arguments, which this undertaking must encounter in its progress; therefore a few remarks on each point will serve to introduce the measures your committee have agreed to recommend. First of the delay of Ohio: Her resources and

views are at this time directed to the accomplishment of a much more expensive project, exclusively her own; and some of the alternatives pointed to in the message of the Governor, shew conclusively, that our acts in relation to our own important interests should not for a moment be regulated by any exclusive course that State may choose to adopt. That she should ratify the compact as submitted to her, so that the two States may act simultaneously, is now believed to be more essential for her benefit, than it may be for ours, inasmuch as another course may, it is thought, benefit Indiana in a greater degree. To apply to the United States for privilege to change the application of the donation of land, if we think it advisable, to create a slack water navigation on the Miami from our State line to the bay, and also for authority to adopt prompt and effectual measures to ascertain the practicability of making such application, (of which little doubt is entertained,) may soon determine the matter. If Ohio had no rival work, the profit to her of our proposition, would soon be found to elicit all her energies. And what is now our situation? Under the law of last session, and by previous acts, the grant of land was unequivocally accepted in conformity with the condition offered in the act of Congress. Since then an irrevocable covenant has been entered into by the State, expressly pledging the land, with all its proceeds, canal tolls, &c. for the purpose of constructing the work within the limits of said condition. Our duty then, in conformity with existing obligations, is clear, and happily coincident with the advancement of the canal, and the certain prosperity and glory of the State. For the purpose of demonstrating the vast advantage our canal will present to southern and eastern trade over the more expensive canal of Ohio, the following notice of distances from the Ohio river, at the junction of the Wabash, to Lake Erie, by the line of the Ohio canal, and the canal of Indiana, is submitted for reflection:

OHIO ROUTE.

| | |
|---|------------|
| From Cleaveland to Portsmouth (canal line) | 312 miles. |
| From Portsmouth to Louisville, | 260 |
| From Louisville to the mouth of the Wabash, | 300 |
| Total, | <hr/> 872 |

INDIANA ROUTE.

| | |
|--|-----------|
| From Maumee Bay to our State line, (canal) | 75 miles. |
| From State line to Tippecanoe river, (canal) | 130 |

| | |
|-------------------------------------|-------|
| From Tippecanoe to mouth of Wabash, | 430 |
| | <hr/> |
| | 635 |
| | <hr/> |

Difference 237 miles.

Freight from New-York can be delivered at Maumee Bay, as cheap as at Cleaveland:—the Wabash is almost one fourth the nearest:—and there must be an immense saving of tolls in the difference of upwards of a hundred miles of the canal navigation, in our favor, the entire length of our canal line being but 203, while that of Ohio is 312 miles. If the anticipated effect of the foregoing difference holds forth inducements to prefer the Wabash route, and operates in any degree to deter Ohio from promoting our work, should it not, at least in an equal degree, influence Indiana to proceed vigorously to provide for its completion?—A memorial and joint resolution to Congress, on this matter, is herewith submitted, praying a discretionary power to change the application of the land donated to improve the Maumee river by a slack water navigation.

The Rail road scheme next presents itself. The relative expense, with the true value of this project, is forced upon us, tacitly claiming, that, like the canal, it might tend to unfold the capabilities of our State, and in some degree augment our industry, wealth and population. In the U. States, there are many intelligent men who advocate the utility of rail roads, while in England, France and Holland, and all over Europe, such expensive facilities have been sanctioned only, where water could not be had for a canal, and for short distances. The longest rail-way in England is that from Liverpool to Manchester, thirty-three miles; and with every possible advantage of iron, engineers and mechanics, and laborers at hand, it cost upwards of eighty thousand dollars per mile. The time necessary to perfect such a road is in exact proportion to its great expense over that of a canal. The Baltimore Rail road and the State canal of Pennsylvania were began about the same time—a few months only intervening. Since then, science and means have been expending \$47,000 per mile to perfect about sixteen miles of the road, while the canal commissioners, at an expense of about \$10,000 per mile, have perfected about one hundred and twenty miles of the canal—this shows the important difference. Although the point is settled beyond all controversy, that, in an agricultural country canals are preferable, if the surface of the ground, water

and other objects render navigation attainable, yet still it is annually made a question here, which structure, a canal or rail-way, offers the greatest advantages to us.

The experience of sister states, already adverted to, renders it unnecessary to make any laboured comparison. Mr. Josiah White of Pennsylvania, a skilful engineer of sound judgment, has estimated and compared the Mauch Chunk Rail-way in that State with the New-York canal, and he shows, that the expense of construction, and of transporting bulky articles, to be about three times greater, as to a rail-way, than a canal. We should be entirely at a loss to come to any accurate conclusion in this State, where iron, the chief material to make a rail-road of any durability, must be imported at a greater expense, than it can be had at Baltimore; and the loss of capital such an experiment would create in our new country, so admirably adapted to canals, must prove the project "visionary" (in the language of a former committee,) or shew it to be, if not imaginary, absolutely suicidal. But *wooden* rail-ways have been eulogised:—the *duration* of which your committee need not remark upon. "The first rail-ways appear to have been used near New-castle upon-Tyne, in England, about 1680. The rails were of wood, resting upon wooden sleepers; and in some places, near the Tyne, the same species are still in use. The wooden ones however are nearly abandoned for the iron ones, and of the latter there is an immense number branching from both sides of the Tyne to the various coal works." The lowest possible cost of a wooden rail-way has been recently estimated by Mr. Clinton, an engineer of New-York; but to make it substantial it would cost \$13,000 per mile: and the estimate of our State Engineer of our canal summit level section is but \$7,500 per mile. By the Register of Arts, it does appear, that iron rail-ways have *one* certain advantage over canals for personal travel—that is, *rapidity of motion*. Time, estimated as money, is valuable, but the power applied in each mode of conveyance supposed to be the same, there is at certain velocities, a great difference. At the several velocities under five miles per hour, the resistance to a boat in canal water is less, than to a carriage by friction passing over any hard substance; but at a quicker rate, that resistance increases. On rail-roads, on the contrary, the resistance remains the same at all velocities. Horse power, by an increase of speed over five miles, is materially lessened, the canal banks are endangered, and the rate of increase of resistance in water is as the square of the velocity. It seems

indeed difficult to limit the velocity of a steam carriage; *fuel* and *water* must be made to regulate this point. Horse power on canals is found to produce the best effect as to burthen, at $2\frac{1}{2}$ or 3 miles per hour; and after all that has been said as to the superior rapidity of rail road transportation, the experience near the Tyne in England, above referred to, has proved, that on the level rails, and when they are in good condition, a horse will draw 25,000 lbs. including the weight of the carriage, but only at the rate of $2\frac{1}{2}$ miles per hour.

Rapidity of transmission, in small vehicles, may suit small parcels, or be an object for personal accommodation; but the Farmer and the Merchant of Indiana have bulk to transmit, and it is known that for such purposes canals have been preferred, wherever they have been found practicable. That a wooden road is subject to early decay, or an iron one at three times the expense, and that out of our own State, should be thought of in Indiana, as a "substitute" for the Wabash and Erie canal, must excite admiration. The iron rails alone, would cost us about eight or ten thousand dollars per mile here; and the engines, the carriages and other expenses, the constant repairs and frequent casualties, are all to be considered. A canal, being supplied with water, does not wear out; the locks are easily replaced; but the entire of a *wooden rail road* is subject to decay. Your committee dismiss this proposed "substitute," and direct a few remarks to the idle and unfounded fear of taxation, also urged without reason, by some opponents of the canal. It cannot be necessary here to repeat former arguments to shew that the Wabash and Erie canal will conduce to enrich the treasury, and can never, in any way, take from it. But as attempts have been made to alarm the people on this point, it becomes us now to advert to the matter, and exhibit the fact, that this canal can never induce taxation, or become dependent on our State Treasury under any circumstances. A casual view of the expanse of country to become tributary to its accommodation, must carry irresistible conviction to the mind of every man, who can estimate population, products, markets and wants, that if it were now completed, its income would, in probably ten or fifteen years, reimburse the entire expense of its construction. With our donated means then, is it possible, that it will fail to become an enduring spring of wealth to the State? Injudicious management could only produce such a failure; and the intelligent acting commissioner at the head of the present Board, the established ability, and high reputation of our State Engineer,

and the wisdom of the representatives of the people must altogether be taken as sufficient to guard against this result.— Even in the progress of the work, an expenditure will be made, which (although proving only indirectly beneficial to the State Treasury) cannot fail to extend a diffusive impulse and capital to trade, stimulate our citizens throughout the State, to renewed energy in every branch of business. To make 128 miles of canal we had 409,000 acres of land; of this 41,931 acres sold for \$24,849 50-100 cash, and \$46,189 26-100 yet due on interest, at six per centum, payable annually in advance, averaging \$1,70 per acre, exclusive of the accumulating interest, which will double the amount long before the period of credit expires. We yet hold for future sales 360,000 acres, which must increase in value, as the work progresses, and the country improves, far beyond the interest of money averaged by the late sales. But calculating the land donated at this average, and it will produce about \$700,000, which with the accumulating interest, the water power and tolls, would in a short period realize a much larger sum, than the estimated cost of the whole work. The late sale of land was made under the most unfavorable auspices—the reported uncertainty of prosecuting the canal; the demand of one fourth cash, with interest in advance on the residue—the neighborhood of a tribe of Indians—the rumored uncertainty of the location of part of the canal line, may severally have had some tendency in producing the result; but a measure has been now agreed upon, and is offered, which will tend to dissipate all such erroneous causes of depression at future sales. This measure will soon remove all doubts of the final completion of the canal, and must demonstrate, that under the influence of wise legislation, no possible danger of taxation or state enthrallment, or exactions in any way, can in reason be entertained. Indeed the finances of our State may soon receive contributions for this and other objects of utility.

A bill now before Congress contemplates a distribution of the surplus revenue of the Union among the States, as soon as the national debt be extinguished. Next to allowing us the vacant unsold lands within our State, such a distribution may benefit, without interfering with the General Government.— The measure certainly affords some prospect, that all practical objects of internal improvement within the State may be accomplished by a general fund; and that instead of increasing charges, we shall soon have abundant means to enable us to answer all State purposes, and expunge whatever may be

deemed exceptionable in our present revenue system, so as to reduce taxation. Apply the amount of the donated land sales to the construction of this canal, and long before its expenditure, a general disposition must be made of the public domain, or the surplus revenue of the United States, by which this and other State objects of improvement will be facilitated with abundant resources; and the idea of taxation in every point of view, is therefore obviously futile.

The commencement of the work will comply with our plighted faith in the acceptance of the conditional donation, and give due confidence to future purchasers of canal lands; and no reasonable apprehension need exist, as to obtaining all the means required at present, upon the terms and in the manner your committee have agreed to recommend. The known aspect of our situation at this moment, and the obligation heretofore assumed, as well as the best interest of the State (which seem to be faithfully consulted by the judicious recommendation of our canal commissioners) have suggested to your committee the plan of operations for the summit section, provided for in the annexed bill; and, as this plan of beginning must, it is thought, be acceptable to the most timid, it is hoped, that it may for the present satisfy the most confiding advocate, both of our ample means and physical power to effect the great object.

Col. Moore estimated the cost of the whole line of the canal at \$1,081,970, and the commissioners inform us, although Mr. Ridgway, our State Engineer, calculates the cost of the middle or summit section, at about \$48,000 more than before estimated, they are confident the cost of the whole work will not exceed the original estimate—some think a considerable excess will be found. Mr. Ridgway, on a cross survey, and minute calculation of every particular, estimates the whole cost of this section of the canal at \$211,755,95½, and requires \$24,194,90½ for contingences, making altogether an average cost of \$7,500 per mile; and a loan is contemplated to cover this estimate, (to be incurred and drawn only to the extent realized or arising by obligations for lands sold) on a credit of thirty years, redeemable in whole or in part, at the option of the State, in twenty years, bearing an interest of six per cent; with the canal, lands, toll, and all benefits in any way arising therefrom, pledged in conjunction with a guarantee of the State for the payment of interest and principal. The loan is to be negotiated, so as to bear interest only as it may be drawn for use; and it is never to be drawn, or used to a greater a-

mount, than the sum due, and bearing equal interest for lands sold. Thus the faith of the State will stand fortified beyond all possible casualties. The work to be contracted for is to be regulated by the sums secured by land sales, on the principle mentioned. This will afford full security for the state, and equal security for the sums borrowed, and there is no reason left to fear for the future safety of either.

Your committee will not extend this Report to give an analysis of the bill annexed. Its policy, however, is evidently and fairly calculated for, when the State, by covenant, stands bound to commence the canal in a certain period; and any defalcation on our part would not only justify defalcations on the part of purchasers of the canal lands, but have a paralyzing effect on all future sales and obligations. The bill vests some discretionary power in the commissioners; this is dictated by sound prudence, when the confidence is safely reposed. In commencing and progressing with the work, selling contracts, calling for means, and transacting all necessary matters, our commissioners will doubtless adhere strictly to the interest of the State, under the restrictions and responsibility of their duty. That funds must necessarily be kept on hand, at the immediate disposal of the commissioners, to meet contingencies, is evident; and the plan proposed by Ohio in arranging with some safe bank, as a place of deposit, where services may be rendered, or interest received for all such sums will no doubt be pursued; the bill provides for this course.—The expenditure of the commissioners during the last year, with the amount of cash on hand, subject to future operations will be found in the annexed report of the Auditor of public accounts, together with an estimate of the cost of transportation to the New-York market, when the entire work will be completed, at the rate of tolls on the New-York canal, and freight as charged. This estimate has been furnished to your committee for publicity—and may be relied on.

Before concluding this report, it may be proper to remind the Senate, that in the growing population and products of the northern section of our State, and in the increased light, time and experience, cannot fail to produce, a certain economy, and a fixed confidence will, it is believed, be found progressing in the undertaking. The extinguishment of all the Indian reservations, on and near the line of canal, cannot be long delayed, and on this, as on every other general state interest, the progress of this canal, as now proposed to be provided for, must have a salutary influence. Should a more

speedy completion of the whole line, than the annexed bill will admit, be hereafter thought advisable (and your committee entertain but little doubt, that such will be the case) the knowledge to be acquired by this commencement, as provided for, will be found of service in promoting the security of the entire result.

With these views, your committee submit a bill, supplementary to an act, entitled "an act to provide means to construct the Wabash and Erie canal;" and a Memorial and Joint Resolution on the subject of applying that portion of our canal lands lying in the State of Ohio, to improve the Mau-
mee River.

Abstract statement of the population and trade of the country supposed to be interested in the construction of the canal, and which it is believed would receive supplies of Merchandize, through that channel, if it were opened from the Tippecanoe to Maumee Bay.

| States. | Popula- tion ben- efited by canal. | Merch. | | Transportation. | | Salt. | | Value of Pr st val | | Time. | | In | | Saving. |
|-------------|---|---------------|-------|-----------------|---|----------|-------|------------------------------------|------------------------------|-----------|------------------------|-------|-------|--|
| | | Dry Goods. | Tons. | By Can- nal. | By Pitts- burgh over mount ^{ns} . | Barr'ls. | Tons. | L ^k . salt by canal. | of Ken ^a salt. | By canal. | By Pittsb ^g | time. | Days. | In cash an- nually to the state. |
| Indiana | 120,000 | 600 | | \$18,000 | \$60,000 | 25,000 | 3,572 | \$74,100 | \$137,500 | 22 | 45 | 23 | | \$105,400 |
| Illinois | 75,000 | 319 | | 10,570 | 31,900 | | | | | | | | | 1,595 |
| Kentucky | 62,500 | 312 | | 9,360 | 31,200 | | | | | | | 20 | | 1,560 |
| Tennessee | 360,000 | 900 | | 28,900 | 90,000 | | | | | | | | | 4,500 |
| Mississippi | 250,000 | 625 | | 19,350 | 62,500 | | | | | | | 20 | | 3,125 |
| Missouri | | | | | | | | | | | | | | |
| Arkansas | 80,000 | 400 | | 12,800 | 40,000 | | | | | | | | | 2,000 |

On imports alone, \$118,180

ON EXPORTS.

The bulky agricultural productions of the soil constitute by far the greatest portions of freights on a canal; and of the export trade, which would seek a market on ours, a faint idea only can be formed. The counties bordering on the Wabash annually export a large amount to New Orleans. Wheat will be a staple article of exportation, and as the country contiguous to the canal, and upper part of the river, produces the finest crops, to estimate the quantity with any approximation to certainty would be extremely difficult; the amount must necessarily be very great. Shelled corn may also be taken into the estimate, at 20 cents steady demand, in cash, per bushel. The farmers would furnish almost any quantity, and at a price of 60 cents, which is not a high average rate per bushel, for the last ten years in New York, this article would bear transportation.

The cost of transporting a ton of wheat, corn, beef, pork, flour or whiskey from the mouth of the Tippecanoe to the city of New York, by way of the canals and Lake would be

| | |
|---|-------|
| 1 ton 203 miles on our canal at 1½ cent per ton per mile | 3 04½ |
| “ ——— “ on Lake Erie from Maumee Bay to Buffalo | 2 00 |
| “ 363 “ on New York Canal to Albany at 1½ cent per ton per mile | 5 45 |
| “ 150 “ on Hudson river to New York | 1 80 |
| | <hr/> |
| | 12 30 |

| | | |
|----------------------------------|-------------|-----------------------|
| | <i>lbs.</i> | |
| 10 barrels of flour each | 213 | } Are equal to 1 ton. |
| 7 barrels of pork “ | 320 | |
| 7 barrels of whiskey | 320 | |
| 37 bush. wheat in sacks | 61 | |
| 39 bushels corn “ | 57 | |
| Transportation on 1 barrel flour | - | \$1 23. |
| “ on 1 barrel pork | - | 1 75 |
| “ on 1 barrel whiskey | - | 1 75 |
| “ on 1 bushel wheat | - | 33 |
| “ on 1 bushel corn | - | 32 |

AUDITOR'S OFFICE, }
Dec. 27th, 1830. }

In accordance with an Act of the General Assembly, ap-

proved January 28th, 1830, the following Report of Receipts and Expenditures on account of the Wabash and Erie Canal, is respectfully submitted:

There has been received on account of the sales of the Wabash and Erie Canal Lands, as per commissioners report \$27,621,05

There has been expended on account of the canal, as per commissioners report accompanied by proper vouchers, the following sums, to wit:

| | |
|--|-----------|
| For commissioners, | 1,184 63½ |
| “ Principal and Assistant Engineer, | 1,265 12½ |
| “ Surveying and chain carrying, | 77 56½ |
| “ Canal books and binding maps, | 59 50 |
| “ Transporting canal books to Logansport, | 18 25 |
| “ Hands in surveying, &c. | 240 73½ |
| “ Searching for stone and selecting land, | 19 75 |
| “ Rodman, | 19 00 |
| “ Boarding, provisions, cooking utensils and stationary, | 451 28 |
| “ Contingent expenses, | 31 37½ |
| “ Advertising sale of canal lands and certificates, | 357 25½ |
| “ Sale crier and clerks, and selecting lock sites, | 167 00 |
| “ House rent for sales, | 6 00 |
| “ Table for commissioners, | 7 00 |
| “ Conveying canal fund to treasury, | 35 00 |

Making the total amount of expenditures for last year, 3,939 47½

Which subtracted from \$27,621 05 canal fund and there is left a balance in its favor of 23,681 58

Which sum is subject to the following claims, agreeable to an act of the General Assembly, approved Jan. 28, 1830:

| | |
|---|----------|
| To D. Burr, canal commissioner, | 1,000 00 |
| “ Canal coms. appropriated to pay the balance of expenditures of commissioners, | 740 06 |
| “ Canal commissioners on account of general appropriation, | 1,000 00 |
| “ M. Morris 1st qrs. salary, | 25 00 |
| “ S. Merrill 1st do. do. | 37 50 |
| “ John Cain for canal books, | 100 00 |

J. Sullivan, com'r. to treat with Ohio, 69 00

2,971 56

Which deducted from the above, leaves a balance in favor of the canal fund of 20,710 02

Respectfully submitted.

MORRIS MORRIS, A. P. A.

The bill supplemental to an act providing means for the construction of the Wabash and Erie Canal was read twice and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Linton moved, that 500 copies of the canal report be printed for the use of the Senate.

Which motion was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Frisbie, Gregory, Linton, Morgan, M'Kinney, Orr, Sering, Stevens, Watts, and Worth—15.

Those who voted in the negative, are

Messrs. Clendenin, Givens, Graham, Lemon, Lomax, Pennington, and Robb—7.

On motion of Mr. Gregory,

Ordered, That 500 copies of the last named bill be printed for the use of the Senate.

The memorial and resolution for a survey of the Maumee River, and for discretionary power to apply that portion of our canal lands lying in Ohio to improve the channel thereof,

Was read the first time and passed to a second reading.

The Senate resumed the consideration of the resolution offered by Mr. Robb, relative to memorializing Congress for an extension of time, for the commencement of the Wabash and Erie canal, and for permission, if the State should deem it most advisable, to change said contemplated canal to a rail road.

Mr. Stevens with the leave of his second, withdrew his motion to lay said resolution on the table.

Mr. Linton, with the leave of his second, withdrew his proposition to inquire into the expediency of the measure,

Mr. Graham moved to amend said resolution by striking

out these words: "the committee on canals and internal improvements," and insert "select committee," which was carried in the affirmative.

Mr. Morgan moved to amend said resolution by striking out "rail road," which was determined in the negative.

And on the question "Shall the resolution as amended be adopted?" it was determined in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington, Robb and Whitcomb—13.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Sering, Stevens, Watts and Worth—10.

Ordered, That Messrs. Robb, Graham, and Lomax be the select committee on said resolution.

On motion of Mr. Whitcomb,

Resolved, That the committee on roads be instructed to inquire into the expediency of appropriating three hundred dollars out of the three per cent. fund to aid certain citizens of Greene county in the construction of a bridge over Eel river, in said county, where the state road from Vincennes to Indianapolis crosses the same.

Mr. Ewing introduced a joint resolution of the General Assembly of the state of Indiana on behalf of the representatives of the late John C. S. Harrison, which was read twice and ordered to be engrossed for a third reading.

The Senate proceeded to consider the orders of the day.

The engrossed bills from the House of Representatives entitled,

"An act to incorporate the Lawrence county Seminary."

"An act to establish the town of Dayton," and the bill of the Senate, to provide for a state road from Merom to some point on the Terre-Haute and Bono road, were severally read the second time and passed to a third reading.

A message from the House of Representatives, by Mr. Sheets, their clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and a joint resolution entitled as follows, to wit:

An act in addition to an act entitled an act to authorize the sale of a site for a Steam mill at Indianapolis, approved January 26th, 1827.

An act for the relief of Jonathan Legg and Elizabeth Thacker.

An act for the relief of James Faris, trustee of the county Seminary of Dubois county.

An act to vacate a part of a certain state road therein named, and for other purposes.

An act for the relief of Samuel Hanna.

An act authorizing Matthew Flinn to convey certain lots in the town of Leesville.

An act for the relief of purchasers of out lots adjoining the town of Indianapolis.

An act for the relief of the Collector of Fayette county.

A joint resolution of the General Assembly of the state of Indiana relative to certain roads therein named.

I am directed to bring them to the Senate for the signature of their President.

The President having signed said bills and joint resolution, they were handed to the committee on enrolled bills to be presented by them to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives insist on their disagreement to the third amendment proposed by the Senate to the engrossed bill of the House establishing a county treasurer.

Mr. Claypool moved that the Senate recede from their proposed amendment to said bill, which was determined in the negative.

Mr. Pennington moved that the Senate continue to insist on said proposed amendment, and that a committee of free conference be appointed on the part of the Senate to take into consideration the disagreeing votes of the two Houses, which was carried in the affirmative.

Ordered, That Messrs. Fletcher and Whitcomb be the com-

mittee, and that the House of Representatives be informed thereof, and a similar committee on their part requested.

The engrossed bill concerning the Secretary of State, and

The engrossed joint resolution and bill from the House of Representatives, entitled

"A joint resolution on the subject of the Steam mill proposed to be erected on the donation near Indianapolis," and

"An act to provide for semi-annual fairs in the counties of Floyd and Switzerland," were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence to the first named bill, requested.

The memorial of the General Assembly of the state of Indiana relative to the improvement of the navigation of the Ohio river, was read the third time, when

Mr. Ewing moved that it be committed to the same select committee to which was referred the resolution offered by Mr. Robb relative to memorializing Congress for an extension of time for the commencement of the contemplated Erie and Wabash canal, which motion was determined in the negative.

And on the question, Shall the memorial pass? it was carried in the affirmative.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT,

The House of Representatives has passed without amendment, an engrossed bill of the Senate, entitled "an act for the relief of the subscribers for building the state prison."

They have also passed an engrossed bill of the House, entitled

"An act for the relief of the purchasers of land in the reserve township of land in Morroe county."

In which bill of the House the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives entitled, "An act for the relief of the purchasers of land in the reserved township of land in Monroe county, was read the first time and passed to a second reading.

The Senate according to order resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives entitled "an act to regulate general elections, and after some time spent therein, the President resumed the chair and Mr. Stevens reported the same with sundry amendments which were read and concurred in generally.

Mr. Fletcher moved to amend said bill by inserting after the word "county" in the 2d line of the 23d section, the following: "Except such as goes to shew malconduct or corruption in, or omission of duty either intentional or otherwise of some one or more of the inspectors, judges or clerks of the proper county, or of the reception of illegal votes, or any other matter which might have changed the result of the election,"

And on the question shall this amendment be adopted it was determined in the negative.

Mr. Sering moved to amend said bill by adding to the 20th section the following proviso:

"*Provided*, That in townships where there are four hundred or upwards of votes given, the inspector, judges and clerks of such township shall receive out of the county treasury one dollar in addition."

And on the question, shall the amendment be adopted, it was determined in the negative.

Ordered, That the amendments to said bill be engrossed, and with the bill read a third time.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The House of Representatives has appointed Messrs. Ferris and Kinney a committee of free conference on the part of the House of Representatives to take into consideration the disagreeing votes of the two Houses on the 3d amendment proposed by the Senate to the engrossed bill of the House entitled "An act establishing a county Treasurer."

The Senate according to order resolved themselves into a committee of the whole on the bill for electing county and township officers, and after some time spent therein the Presi-

dent resumed the chair, and Mr. Whitcomb reported the same with sundry amendments which were concurred in generally.

Ordered, That said bill be engrossed for a third reading.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives entitled "An act concerning proceedings in ejectment and for the relief of occupying claimants of land, and after some time spent therein the President resumed the chair, and Mr. Worth reported the same without amendment.

Ordered, That it pass to a third reading.

Mr. Worth from the joint committee on enrolled bills reported that they had compared the enrolled with the engrossed bills entitled acts as follows to wit:

An act to vacate part of a certain state road therein named, and for other purposes.

An act for the relief of Samuel Hanna,

An act for the relief of James Faris trustee of the county Seminary of Dubois county.

An act authorizing Mathew Flinn to convey certain lots in the town of Leesville, also,

A joint resolution of the General Assembly of the State of Indiana relative to certain roads therein named.

And had found the same truly enrolled.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following enrolled bills and joint resolution entitled acts and a joint resolution, to wit:

An act for the relief of purchasers of out lots adjoining the town of Indianapolis.

An act authorizing Mathew Flinn to convey certain lots in the town of Leesville.

An act to vacate a part of a certain state road therein named and for other purposes.

An act for the relief of Samuel Hanna.

An act for the relief of James Faris trustee of the county Seminary of Dubois county.

An act for the relief of Jonathan Legg and Elizabeth Thacker.

An act in addition to an act entitled an act to authorize the sale of site for a steam mill at Indianapolis, approved Jan. 26, 1827.

And a joint resolution of the General Assembly of the State of Indiana relative to certain roads therein named.

And the Senate adjourned.

TUESDAY, JANUARY 4th, 1831.

The Senate assembled.

Mr. Lemon presented the petition of Samuel J. Stuart and others praying a relocation of the State road from the falls of Ohio to the falls of Driftwood, which was read, and

On motion of Mr. Lemon referred to a select committee.

Ordered, That Messrs. Lemon, Depauw and Graham be the committee.

Mr. Depauw presented the petition of Samuel Peck and others citizens of the town of Salem in Washington county, praying an act of incorporation of said town, which was read and

On motion of Mr. Depauw, referred to a select committee.

Ordered, That Messrs. Depauw, Clendenin and M'Kinney be the committee.

Mr. Stevens from the committee on revision reported a bill to organize probate courts and defining the powers and duties of executors, administrators and guardians, which was read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Graham from the same committee, reported a bill for the appointment of Trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, which was twice read, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Linton from the same committee, reported a bill to facilitate the opening of the Cumberland road and preserve the same from being obstructed or injured, and

A bill incorporating congressional townships and providing for public schools therein, which were severally read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

On motion of Mr. Morgan,

Ordered, That 100 copies of the last named bill be printed for the use of the Senate.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has concurred in the report of the committee of free conference appointed to take into consideration the subject matter of the disagreeing votes of the two Houses on the third amendment proposed by the Senate to the engrossed bill of the House entitled "an act establishing a county Treasurer."

Mr. Fletcher from the committee of free conference to which were referred the disagreeing votes of the two Houses on the 3d amendment proposed by the Senate to the engrossed bill from the House of Representatives entitled "an act establishing a county Treasurer,"

Reported, That they had had the subject under consideration and report the bill with the following amendment, to wit:

"In the 7th line of the 8th section strike out these words "the sum of ten," and insert the following, "not less than five nor exceeding ten at the discretion of the county Treasurer:" which report was concurred in, and said amendment adopted.

Ordered, That the House of Representatives be informed thereof.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate a communication from the Secretary of State relative to the State Library which was read.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has passed with amendments the engrossed bill of the Senate, entitled "an act authorizing the appointment of constables and defining their duties. They have also passed engrossed bills of the House entitled

"an act to establish a state road from Washington in Wayne county to New-castle in Henry county."

"An act to provide for the partition of real estate."

"An act to locate a state road from New-castle in Henry county to Milton in Wayne county," and

"An act to legalize the proceedings of the board of commissioners of Perry county,"

In which bills of the House and the amendments proposed to the said bill from the Senate, the concurrence of the Senate is requested.

The amendments proposed by the House of Representatives to the engrossed bill of the Senate entitled "An act authorising the appointment of constables and defining their duties," were severally read and agreed to.

Ordered, That the House of Representatives be informed thereof.

The engrossed bills from the House of Representatives entitled "An act to establish a state road from Washington in Wayne county to New-castle in Henry county,"

"An act to locate a state road from New-castle in Henry county, to Milton in Wayne county," and

"An act to legalize the proceedings of the board of commissioners of Perry county," were severally read the first time and passed to second reading.

The engrossed bill from the House of Representatives entitled "an act to provide for the partition of real estate, was twice read, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Depauw from the select committee to which was referred the petition of Saml. Peck and others, citizens of the town of Salem in Washington county, praying an act of incorporation of said town, having obtained leave, reported

"A bill authorizing the inhabitants of the town of Salem to become incorporated," which was read the first time. Said bill was then, by consent, read the second and third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

Mr. Worth from the joint committee on enrolled bills reported that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act concerning the Auditor of Public Accounts and the Treasurer of the State.

An act confirming to John J. Akin, Alexander Walker and John J. Livingston certain rights.

An act to provide for the re-location of part of a state road from Greencastle in Putnam county through Rockville in Parke county to Newport in Vermillion county.

An act to change part of the road from Mauk's ferry to Indianapolis, and for other purposes.

Also the following memorial and joint resolution:

A memorial of the General Assembly of the state of Indiana on the subject of a mail route from the Falls of Ohio to Indianapolis by way of Columbus in Bartholomew county, and

A joint resolution relative to the improvement of a harbour on Lake Michigan.

And have found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, a memorial and joint memorial entitled as follows, viz:

"An act concerning the Auditor of public accounts and the Treasurer of State."

"An act to change a part of the State road from Mauk's ferry to Indianapolis and for other purposes."

"An act to provide for the relocation of part of a state road from Greencastle in Putnam county through Rockville in Parke county to Newport in Vermillion county."

"An act confirming to John J. Akin, Alexander Walker and John J. Livingston certain rights."

"A joint resolution of the General Assembly relative to the improvement of a harbor on Lake Michigan," and

"A memorial of the General Assembly of the State of Indiana, on the subject of a mail route from the falls of Ohio to Indianapolis by way of Columbus in Bartholomew county."

I am directed to bring the same to the Senate for the signature of their President.

Said bills, memorial and joint memorial having been signed by the President were handed to the committee on enrolled bills to be by them presented to the Governor for his approval and signature.

The Senate proceeded to consider the orders of the day.

The Senate according to order again resolved themselves

into a committee of the whole on the joint resolution relative to preparing materials to build a State House on the square designated for that purpose and a resolution of the Senate relative to a change of the names of the State House square and Governor's Circle, and after some time spent therein the President resumed the chair, and Mr. Watts reported the same with sundry amendments, and

On motion of Mr. Stevens,

Said resolutions with the proposed amendments were referred to a select committee.

Ordered, That Messrs. Stevens, Linton and Sering be the committee.

The memorial and resolution for the survey of the Maumee river and for discretionary power to apply that portion of our canal lands lying in Ohio to improve the channel thereof, was read the second time and passed to a third reading.

The engrossed bill from the House of Representatives entitled "An act for the relocation of the county seat of Boon county was read the 2d time.

Mr. Orr moved to refer said bill to a select committee, when,

On motion of Mr. Fletcher it was laid on the table.

The engrossed bill from the House of Representatives entitled "An act for the relief of purchasers of land in the reserve township of land in Monroe county, was read the 2d time, and

On motion of Mr. Whitcomb referred to a select committee.

Ordered, That Messrs. Whitcomb, Ewing and Fletcher be the committee.

The engrossed bills from the House of Representatives entitled "An act to establish the town of Dayton," and

"An act to incorporate the Lawrence county Seminary,"

"Also engrossed bills and joint resolution of the Senate entitled,

An engrossed bill to provide for electing county and township officers.

"An engrossed bill to provide for a state road from Merom to some point on the Terre-Haute and Bono road."

"An engrossed bill to regulate general elections," and

A joint resolution of the General Assembly of the State of Indiana on behalf of the representatives of the late John Cleves Symmes Harrison, were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the bills and joint resolution of the Senate requested.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following acts and joint Resolution and joint memorial to wit:

An act concerning the Auditor of public accounts and the Treasurer of State.

An act confirming to John J. Akin, Alexander Walker and John J. Livingston certain rights.

An act to provide for the relocation of a state road from Greencastle in Putnam county through Rockville in Parke county to Newport in Vermillion county.

An act to change a part of the state road from Mauk's ferry to Indianapolis and for other purposes.

An act for the relief of the Collector of Fayette county.

A joint resolution of the General Assembly relative to the improvement of a harbour on Lake Michigan, and

A memorial of the General Assembly of the State of Indiana on the subject of a mail route from the falls of Ohio to Indianapolis by the way of Columbus in Bartholomew county.

And the Senate adjourned.

WEDNESDAY, JANUARY 5th, 1831.

The Senate assembled.

Mr. Ewing from the committee on canals and internal improvements to which was referred an engrossed bill from the House of Representatives entitled "An act to prevent the destruction of timber upon the State canal lands"

Reported, That the same is superseded by the canal bill now before the Senate, and asked leave to be discharged from the further consideration thereof; which was read, and

On motion,

The committee discharged.

On motion of Mr. Ewing said bill was laid on the table.

Mr. Lemon from the select committee to which was referred the petition of Samuel J. Stuart and others praying a re-

location of a part of the State road from Jeffersonville to the falls of Drift,

Reported, A bill to provide for the relocation of a part of the State road from Jeffersonville to the falls of Drift, which was read the first time and passed to a second reading.

Mr. Robb, from the select committee to which was referred a resolution of the Senate instructing them to prepare and report to the Senate a memorial to the Congress of the United States praying an extension of the time allowed for the commencement of the Wabash and Erie canal, and the privilege of either constructing a rail road from the navigable waters of Lake Erie to the navigable waters of the Wabash, or of connecting these navigable waters by a canal, reported, in accordance with the requisitions of said resolution, "A memorial of the General Assembly of the State of Indiana to the Congress of the United States on the subject of the Wabash and Erie canal, which was read the first time and ordered to a second reading.

Mr. Stevens from the select committee to which was referred a joint resolution of the Senate on the subject of contracting for materials to build a State House,

Reported, That they had examined the matters referred to them and now ask leave to recommend to the Senate the adoption of the following resolution, to wit:

Resolved, That the further consideration of the said joint resolution be indefinitely postponed, which was concurred in.

Mr. Stevens from the select committee to which was referred a resolution of the Senate, and sundry amendments proposed thereto, on the subject of a State House and other matters connected therewith,

Reported, That they had examined the resolution and all the proposed amendments, and now respectfully recommend to the Senate to strike said resolution out from the resolving clause and insert in lieu thereof sundry resolutions herewith presented, to wit:

Resolved, That the Agent of the town of Indianapolis is hereby directed forthwith to cause to be fitted and prepared in a proper manner apartments in the House now erected on the Circle called the Governor's Circle, for the reception of the offices of Treasurer of State, Auditor of Public Accounts, Secretary of State, Agent of the town of Indianapolis, and Agent of the three per cent fund. And that the said Agent of the town of Indianapolis shall consult with the several officers as to the manner of preparing their several apartments;

and shall, if the Treasurer requires it, cause to be made a secure, lasting and permanent fire proof vault under the apartment prepared for the Treasury, communicating therewith by a sufficient trap door, so as to secure and protect the books, papers and funds of the department from thieves, robbers and fire.

Resolved, That the said Agent of the town of Indianapolis is further directed to forthwith cause the cellars under said building to be cleaned and the proper and sufficient doors made to enable him to shut the same up and keep it clean. And further to forthwith cause the roof and other parts of said building to be effectually repaired and kept in repair. And further to cause to be erected and finished the necessary out-buildings in the most proper place.

Resolved, That the said Agent of the said town is further directed to forthwith offer a premium of one hundred and fifty dollars for the best plan of a State House to be built on the State House square in the town of Indianapolis, the cost of which shall not exceed fifty thousand dollars, to be approved of by the General Assembly of the state of Indiana. And that said Agent shall make his proposition known by publishing it for four weeks in a newspaper in the cities of New York, Philadelphia and Cincinnati, and in the towns of Frankfort, Kentucky, and Indianapolis, Indiana, which said notice or publication shall state that the House is to be built of brick upon a hewed stone foundation and to be so constructed as to have two Legislative Halls, one to accommodate one hundred and the other fifty members, and also to have a sufficient number of committee and office rooms. And such notice or publication shall also contain the price of brick and hewed stone at the town of Indianapolis. And that the said Agent shall, on the third day of the next General Assembly, lay all the plans, drafts and models of a State House, together with the names and places of residence of persons from whom he received them, before the General Assembly for their approval or rejection.

Resolved, That the House of Representatives be informed of the adoption of these resolutions, and their concurrence therein requested.

Mr. Stevens moved to fill the blank in the third resolution fixing the premium for a plan to be laid before and approved by the next Legislature, of a State House, with \$200.

Mr. McKinney moved to fill the blank with \$150, and

Mr. Gregory to fill it with \$100.

And on the question, Shall the blank be filled with \$200? it was determined in the negative.

And on the question, Shall the blank be filled with \$150? it was carried in the affirmative.

Mr. Pennington moved to amend the first resolution by striking out all of that part which relates to the removal of the Treasurer's office, which motion was determined in the negative.

And on the question, Shall said first resolution be adopted? it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Sering, Stevens, Watts, Whitcomb, and Worth,—16.

Those who voted in the negative, are

Messrs. Depauw, Ewing, Givens, Graham, Gregory, and Lemon—6.

And on the question, Shall said second resolution be adopted? it was carried in the affirmative.

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Fletcher, Frisbie, Linton, M'Kinney, Orr, Pennington, Sering, Stevens and Worth—12.

Those who voted in the negative, are

Messrs. Clendenin, Ewing, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Watts and Whitcomb—10.

And on the question, Shall the fourth resolution be adopted? it was carried in the affirmative.

Mr. Whitcomb from the committee on revision, reported a bill for the incorporation of county libraries, which was read twice and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Frisbie moved the re-consideration of the vote on the passage of the joint resolution of the General Assembly of the

state of Indiana on behalf of the representatives of the late John Cleves Symmes Harrison.

And on the question, Shall said vote be re-considered? it was determined in the negative.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Depauw, Fletcher, Givens, Graham, Lemon, Lomax, Robb, Sering, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Ewing, Frisbie, Gregory, Linton, Morgan, M'Kinney, Orr, Pennington, Stevens and Watts—12.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills, &c. of the following titles, viz:

An act for the formation of congressional districts and for the election of Senators and Representatives in Congress.

An act concerning apprentices.

A joint resolution on the subject of the Steam mill proposed to be erected on the donation near Indianapolis.

A memorial and joint resolution of the General Assembly of the state of Indiana on the improvement of the navigation of the Wabash river.

A memorial of the General Assembly of the state of Indiana relative to the improvement of the navigation of the Ohio river.

And I am directed to bring them to the Senate for the signature of their President.

The President having signed said acts, memorials and joint resolutions, they were handed to the committee on enrolled bills to be presented by them to the Governor for his approval and signature.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate proceeded to consider the orders of the day.

The engrossed bills from the House of Representatives, entitled,

"An act to legalize the proceedings of the board of commissioners of Perry county."

"An act to establish a state road from Washington, in Wayne county, to New castle in Henry county."

"An act to locate a state road from New castle, in Henry county, to Milton, in Wayne county," were severally read the second time and passed to a third reading.

The engrossed bill from the House of Representatives, entitled,

"An act concerning proceedings in ejectment and for the relief of occupying claimants of land was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

The memorial and resolution for a survey of the Maumee river, and for discretionary power to apply that portion of our canal lands lying in Ohio, to improve the channel thereof, was read the third time.

Mr. Gregory moved to commit said memorial and resolution, to a committee of the whole Senate, and that it be made the order of the day for to-morrow, which motion was determined in the negative.

Mr. Robb moved to recommit said memorial and resolution to the committee on canals and internal improvements, with instructions to amend it by striking out that part which solicits Congress to authorize the State of Indiana, to construct that part of the Wabash and Erie canal, which is situated within the limits and jurisdiction of the State of Ohio.

And on the question, shall the memorial and resolution be so recommitted, it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington, Robb, Stevens and Whitcomb—15.

Those who voted in the negative, are

Messrs. Blair, Ewing, Linton, M'Kinney, Orr, Sering, Watts and Worth—8.

Mr. Worth from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act for the formation of congressional districts and for the election of Senators and Representatives in Congress.

An act concerning apprentices, also,

A joint resolution on the subject of the steam mill proposed to be erected on the donation near Indianapolis.

A memorial of the General Assembly of the State of Indiana relative to the improvement of the navigation of the Ohio river, and

A memorial and joint resolution of the General Assembly of the State of Indiana on the improvement of the navigation of the Wabash river.

And have found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bills of the House entitled as follows, viz:

"An act for assessing and collecting the revenue,"

"An act for the appointment of county surveyors and their deputies,"

"An act authorizing a review of a part of the state road from Bono via Bedford to Terre-Haute," and

"An act to vacate part of water street in the town of Greencastle,"

In which the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives entitled,

"An act to vacate a part of water street in the town of Greencastle was twice read, and

On motion of Mr. Orr, referred to a select committee.

Ordered, That Messrs. Orr, Fletcher and Blair be the committee.

The engrossed bill from the House of Representatives entitled,

"An act authorising a review of a part of the state road from Bono via Bedford to Terre-Haute was twice read, and

On motion of Mr. Linton, referred to a select committee.

Ordered, That Messrs. Linton, Clendenin and Whitcob, be the committee.

The engrossed bills from the House of Representatives, entitled,

"An act for the appointment of county surveyors, and their deputies," and,

"An act for assessing and collecting the revenue," were severally read twice, and committed to a committee of the whole Senate and made the order of the day for to-morrow.

And the Senate adjourned.

THURSDAY, JANUARY 6th, 1831.

The Senate assembled.

Mr. Ewing, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was recommitted a memorial and joint resolution, on the subject of our canal lands, lying in the State of Ohio, with instructions to strike therefrom, such part as asks of Congress, power to construct the portion of our canal, within the jurisdiction of that State,

Report, That the prayer to Congress and the instruction to our representatives are discovered to embrace no such request: your committee find a request for power, to "*appropriate*" the lands mentioned, to construct said canal, or to improve the navigation of the Maumee river, and supposing a reference to the canal, objectionable, have amended the memorial by striking out the words following, "*construction and completion of the said canal, between her State line, and the waters of Lake Erie, or in such,*" leaving the paragraph as perfect as it was before they were expunged: which was read and the amendment concurred in.

Ordered, That said bill as amended, pass to a third reading.

Mr. Stevens from the committee on revision, reported "a bill relative to crime and punishment," which was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Graham, from the same committee, reported "a bill for the relief of the poor," which was twice read, committed to a

committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Linton, from the same committee, reported, "a bill for the better management of the State Prison," and for other purposes, and,

"A bill concerning enclosures and trespassing animals," which were severally read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

On motion of Mr. Fletcher,

Resolved, That the committee on revision, inquire into the propriety of revising and reprinting the act, entitled "An act to render the proceedings upon writs of mandamus and informations, in the nature of *quo. warranto*, more speedy and effectual," approved January 21st, 1820, and that they have leave to report by bill or otherwise.

Mr. Sering introduced a bill to incorporate the town of Madison, which was read twice, and,

On motion of Mr. Whitcomb, laid on the table.

On motion of Mr. Linton,

The bill to provide for the relocation of a state road, from Bono to Terre Haute, was taken up, and referred to the same select committee, to which was referred an engrossed bill from the House of Representatives, entitled, "an act authorizing a review of a part of the State road from Bono via Bedford, to Terre Haute."

Mr. Whitcomb introduced a bill for the construction of a bridge over Mill creek, in Owen county, which was read the first time, and passed to a second reading.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, joint memorials and joint resolution, to wit:

An act concerning apprentices.

An act for the formation of Congressional Districts, and for the election of Senators and Representatives in Congress.

Memorial and joint resolution of the General Assembly of the State of Indiana, on the improvement of the navigation of the Wabash river.

A memorial of the General Assembly of the State of Indiana, relative to the improvement of the navigation of the Ohio river.

A joint resolution on the subject of the steam mill, proposed to be erected on the donation, near Indianapolis.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate proceeded to consider the orders of the day.

The bill to provide for the relocation of a part of the state road from Jeffersonville to the falls of Drift, was read the second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The memorial of the General Assembly of the State of Indiana, to the Congress of the United States, on the subject of the Erie and Wabash Canal, was read the second time.

Mr. Linton moved to commit said memorial to a committee of the whole Senate, and made the order of the day for to-morrow, which motion was carried in the affirmative.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, McKinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—12.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Lomax, Morgan, Pennington, and Robb—11.

The engrossed bills from the House of Representatives entitled,

“An act to establish a state road from Washington, in Wayne county, to Newcastle, in Henry county.”

“An act to legalize the proceedings of the board of commissioners of Perry county,” and,

“An act to locate a state road from Newcastle, in Henry county, to Milton, in Wayne county,” were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

The Senate, according to order, resolved themselves into a committee of the whole, on the engrossed bill, entitled, “an act, organizing the supreme court, and defining their duties,” and after some time spent therein, the President resumed the chair, and Mr. Blair reported the same with sundry amendments, which were read and concurred in, generally.

Ordered, That said bill pass to a third reading.

And the Senate adjourned.

FRIDAY, JANUARY 7, 1831.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT,

The House of Representatives has passed engrossed bills from the Senate, entitled as follows, to wit:

"An act authorizing the inhabitants of the town of Salem to become incorporated."

"An act to regulate the mode of doing county business in the several counties in this state."

The first without and the last with amendments, in which the concurrence of the Senate is requested.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled "an act to regulate the mode of doing county business in the several counties in this state," when,

On motion of Mr. Whitcomb,

The first amendment of the Senate was amended by striking out therefrom the words "*of commissioners*," and inserting in lieu thereof "*doing county business*," and by adding after the word county in the second line of the first amendment the words "*in pursuance of the requisitions of law*," and the amendment thus amended was concurred in.

The second amendment was then considered, which is in the following words: "Nothing in this act shall be so construed as to affect or repeal the laws now in force regulating the manner of doing township business in the counties of Dearborn and Switzerland except as to the election of township supervisors."

And on the question of concurring in said amendment, the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Givens, Gregory, Linton, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher,

Frisbie, Graham, Lemon, Lomax, Pennington, Robb and Whitcomb—12.

So the amendment was not concurred in.

Mr. Ewing then moved to re-consider the vote just given, which was agreed to.

And the question recurring, will the Senate concur in said amendment? the ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Givens, Gregory, Linton, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Worth—12.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frisbie, Graham, Lemon, Lomax, Pennington, Robb, and Whitcomb—11.

So the said amendment was concurred in.

The Senate then proceeded to consider the fourth amendment proposed by the House of Representatives to the bill aforesaid, which was by striking out the following words from the 19th section of the bill: "two fence viewers, two overseers of the poor and as many supervisors of high ways as there are now or may hereafter be allotted to the respective townships by the proper board of commissioners."

And on the question, will the Senate concur in said amendment? the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Graham, Gregory, Lomax, M'Kinney, Orr, Pennington, Robb, and Stevens—11.

Those who voted in the negative, are

Messrs. Claypool, Fletcher, Frisbie, Givens, Lemon, Linton, Morgan, Sering, Watts, Whitcomb and Worth—11.

The Senate being equally divided, the President voted in the negative, so the fourth amendment was not concurred in.

And on the question shall the sixth amendment be concurred in? it was determined in the negative.

The fifth amendment of the House was, on motion of Mr. Whitcomb, amended by inserting after the words "special laws," "relative to county seminaries," and thus amended was concurred in.

Ordered, That the House of Representatives be informed thereof.

Mr. Worth presented the petition of Charles Osborn and others, citizens of township No. 18, N. of range No. 13 east, praying an act to legalize the sale of the school section in said township, which was read, and,

On motion of Mr. Worth, referred to the committee on education.

Mr. Whitcomb presented the petition of Amos Lock and others, citizens of Monroe county, praying a reduction of the tuition fees of "Bloomington College," and for an amendment of the act establishing said College, so that in future elections of Professors, no two should belong to any one religious persuasion or sect, which was read, and,

On motion of Mr. Whitcomb, referred to the committee on education.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The Speaker of the House of Representatives having signed the following enrolled bills, entitled,

"An act to incorporate the Lawrence county Seminary."

"An act to establish the town of Dayton."

"An act establishing a county treasurer."

"An act to provide for semi-annual fairs in the counties of Floyd and Switzerland."

I am directed to bring them to the Senate for the signature of their President.

The President having signed said bills, they were handed to the committee on enrolled bills to be by them presented to the Governor for his approval and signature.

Mr. Worth from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act to incorporate the Lawrence county Seminary.

An act establishing a county treasurer.

An act to provide for semi-annual fairs in the counties of Floyd and Switzerland. and

An act to establish the town of Dayton.
And have found said acts truly enrolled.

Mr. Gregory from the committee on roads made the following Report:

MR. PRESIDENT:

The committee on roads, to whom was referred so much of the Governor's message, as relates to rail-roads, have given the subject all the investigation it was in their power to bestow upon it, and as the result of their deliberations, report:

That your committee have had before them the report of the board of directors of the State of Massachusetts on the practicability and expediency of a rail-road from Boston to Providence. We are aware, that an illustration of the subject and digest of the expense and advantages of a rail-road between any given point cannot be given, without a special examination and survey of the ground, and an estimate of the cost of trenching, the contiguity of stone, &c. &c. But to afford a general, although rather a speculative view of the subject, your committee have selected a supposed route for a rail-road, to bring it somewhat into comparison with the estimate made in Massachusetts; and to this end, the route which has been several times surveyed for a canal to connect the navigable waters of the Wabash and Lake Erie, will be convenient, although the examination of it has always been made with reference to a canal and not a rail-road, which will not give an accurate and proportionate view of the relative improvements to be made.

The average estimate per mile of the proposed rail-road from Boston to Providence, is \$14,940 70-100 for a double track, or for four rails. The cost of a single track, or two rails on the same ground would be half the above, \$7,470 35-100. The average of descent is given at 94½ feet in 13 miles, and of ascent 26 feet on this section, while on others it rose from 26 to 41½ per mile: according to these estimates, the average cost per mile of forming the bed of the road 22 feet wide (which is the width of a double track) the excavation, embankments, walls, bridges, culverts and other works preparatory to laying the stone foundation will be \$1,770 06.

Iron for 4 rails with bolts, including 4 passings

from one to the other and back, is

\$1,985 04.

Rail, stone, including the quarrying, carting,
hammering, laying and drilling and putting

| | |
|--|------------|
| on iron per mile, | 6,020 80 |
| The cost of a single rail-road 12 feet in width on the same route for excavation, embankments, &c. | 2,385 63 |
| Rail, stone and finishing same, and putting on iron as above, | 3,010 40 |
| <p>These two are much the largest items in rail-road operations. From all of which, an inference would be, that the cost per mile on the summit level of our canal route, including embankments, culverts and bridges, would not cost more than one third of the above estimates; as in the above calculation, there appears to have been allowance made for seven culverts and three aqueducts; whereas, we have 20 miles out of 30, on which neither aqueduct nor bridge is required: and the cost therefore of excavating and embanking on those 20 miles cannot exceed per mile \$300 00. This would not we presume, vary much from a general average on the whole line of the proposed canal route, or of any other route running an equal distance from Indianapolis to the Ohio or Wabash rivers.—Taking the above stated estimates, the expense of quarrying and finishing the rail stone and of putting on the iron per mile is</p> | |
| | \$3,010 40 |

Iron for two rails, with bolts allowing 2 passings, counted,

1,230 62½

Which is ascertained by adding 25 per cent on the Massachusetts bill.

To this add the cost of making and gravelling the track for the horse, estimated at per mile

\$500 00

This is, no doubt, an extravagant estimate, abundantly providing for a deficiency in any other item.

To the above, add the cost of culverts and aqueducts, which are estimated at, at least, one half less, than those required for a canal. Mr. Ridgway, a skilful Engineer, who has made the calculations for the canal, as reported by our commissioners, estimates the cost of the culverts to be from \$335 06 to \$847, averaging \$591, the half of which would be \$295 50; and if there needs be one for each mile, the addition of the \$295 50 would make the whole cost but \$4,536 52 per mile, but there will not be on any road more than one culvert for every two miles, so that the above estimate will cover any expense of aqueducts, which will occur on any route, and therefore your committee think the above estimate to be liberal.

In presenting the above view, as far as we have been able to

examine the subject, we desire to add our impression, that although doubts have been expressed as to the durability of rail-roads, the construction of such a work with stone of a durable quality (and the line above named affords a great abundance of it) and on sufficient iron railings, the prospect of durability must, we think, be sufficiently satisfactory to every observer. In addition to which, while a fourth of the season is lost from the freezing of a canal, the rail-road is at all times open for use, and this would be peculiarly important to us, as the season when the canal would be closed, would to our citizens be of all others the most important, as our pork is then ready for market, and will the canal afford you an outlet for it? No. Why not? Because the season will have rendered the canal and all water communications unavailable, by which means, for months in the year, the disappointed farmer would be nursing his heavy articles of exportation at home; and even at the best season of the year, the liability of the banks of a canal to burst and give way places the canal, as to permanent utility, far behind the rail-road, which, like a finished turn-pike, is always ready for use.

We would present, as a sketch of the profits arising from the transportation on a rail-way, the estimates given by the reports above referred to, which we presume deserve the undisputed confidence of the Senate. The estimate of the power of the steady exertion of one horse is equivalent to that required for moving 10 tons on a level rail-road, calculating 2240 lbs. to the ton, and including all inclinations on the road. If we exclude a fourth for weight of carriages, there will remain 16,800 lbs. for a load. For greater security, in this estimate, suppose the load for a single horse, exclusive of wagons, to be 16,000 lbs or 8 tons. In any part of Indiana, where a rail-road would be required, the inclination would never exceed 26 feet per mile, and therefore we take it for granted, that the above estimate will be approved. If then we divide the whole distance of the canal line from the Tippecanoe to Maumee Bay, which is 200 miles, it gives 20 stages of 10 miles each. By the easy travelling of 4 miles per hour, four horses being employed, the trip would be made in 50 hours, or in four days; the expense of each horse, including interest on the purchase, depreciation of value, hazard, keeping, &c. say 50 cents per day; wages and subsistence of a hand to manage them say one dollar per day; the cost of six carriages, sufficient to carry 16 tons, say 75 cents per day; which would all make \$3 50 per day; to which might be added 50 per cent. to cover any allowance, as

profit to the carrier, and for occasionally going without full loading, and even adding 50 per cent. more for abundant provision against any excess of the above calculation, and the whole cost of four horses working on the rail-way is per day \$7 50; making their expense, in an entire trip of four days from Tippecanoe to Lake Erie but \$30 00 for transporting 16 tons, being under \$1 87½ per ton; if the road be made for the application of stationary power.

These estimates, it will be perceived, shew the cost of transportation, exclusive of the tolls, which of course must be graduated with reference to the proportion of heavy products, which will form the principal object of transportation, and with due regard to the general interests of the country. But enough has been shewn to manifest, that the cost of transportation above given, must be less than that on any canal in operation in our country. The only data we have further, are the rates charged for freight, including tolls, on the principal articles of transportation, on the Stockton and Darlington rail roads, on which, however, the locomotive power used is greater than horse power. We have no canal conveyance in this state, and to lug into this report comparisons of costs of freighting might not be correct, but we will estimate the cost of canal transportation at two cents per ton per mile, which is certainly the lowest, and which would make the cost of transporting 16 tons the length of the canal line above \$64 00. Thus, exclusive of tolls, the transportation of a barrel of flour will be 35 cents, or 17½ per hundred weight. We will not pursue the calculations further, but simply add, that rail-ways need not be confined to level ground, as they frequently raise an ascent of 50 feet per mile, applying power in proportion to the ascent.

Your committee are apprized, that "the spirit of internal improvement is abroad in the land," and looking to every suggestion, throwing light on the improvement of our commerce in the interior, as deserving the countenance and aid of the friends of the system, we hope to be understood as intending not to distract the friends of this cause, but by presenting the most speedy and cheap mode of effecting the great object of facilitating the exportation of our produce to market, to unite in action, as in sentiment, those whose real and sole object is the same, *the good of the country*. We look then to the friends of the canal system, and of the turnpike road system, that they will duly consider the suggestions above given, on a subject, which a regard to the deep interest taken by the people we represent has led us to investigate at a length, which we felt to

be due to ourselves, to the importance of the matter, to our constituents and to posterity; and we close this report, with the desire, that, supported by the aid and protection which the General Government is by the constitution bound to extend, as well to commerce, in the interior, as on the seaboard, a well digested system of internal improvement may soon become the landmark and policy of Indiana.

Which was read.

Mr. Givens moved, that 1500 copies of said report be printed for the use of the Senate.

Mr. Linton moved to amend said proposition by striking out "1500," and inserting in lieu thereof "500."

Mr. Graham called for a division of the question:

And on the question, Shall 1500 be stricken out? it was determined in the affirmative.

Mr. Robb then moved to fill the blank with 1000 copies, which was carried in the affirmative.

And on the question, Shall the proposition as amended be adopted? it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Pennington, Robb, Stevens and Watts—18.

Those who voted in the negative, are

Messrs. Ewing, Orr, Sering and Worth—4.

Mr. Orr from the select committee to which was referred an engrossed bill from the House of Representatives, entitled "An act to vacate a part of water street in the town of Greencastle," reported the same with an amendment, which was read and concurred in.

Ordered, That the bill pass to a third reading.

A message from the Governor by Mr Forsee, his private Secretary.

Mr. PRESIDENT,

I am requested by his Excellency the Governor to in-

form the Senate that he has approved and filed in the Secretary's office on this day,

An act concerning the Auditor of Public Accounts and the Treasurer of the State.

An act to provide for the re-location of part of a state road from Greencastle in Putnam county, through Rockville in Parke county, to Newport in Vermillion county.

An act for the formation of congressional districts and for the election of Senators and Representatives in Congress.

An act concerning apprentices.

An act to change a part of the state road from Mauk's ferry to Indianapolis and for other purposes.

A joint resolution of the General Assembly relative to the improvement of a harbour on Lake Michigan.

A memorial of the General Assembly of the State of Indiana on the subject of a mail route from the falls of Ohio to Indianapolis by way of Columbus in Bartholomew county.

A memorial and joint resolution of the General Assembly of the state of Indiana on the improvement of the navigation of the Wabash river.

Also approved on the sixth day of this month and filed in the Secretary's office on this day,

An act for the relief of Jonathan Legg and Elizabeth Thacker.

An act in addition to an act entitled "an act to authorize the sale of a site for a steam mill at Indianapolis," approved January 26th, 1827.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, entitled acts, to wit:

An act to incorporate the Lawrence county Seminary.

An act to establish the town of Dayton.

An act to establish a county treasurer, and,

An act to provide for semi-annual fairs in the counties of Floyd and Switzerland.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order resolved themselves into a committee of the whole, on the joint resolution relative to the tariff and internal improvements; and after some time spent therein, the President resumed the chair and Mr. Morgan re-

ported progress and asked leave to sit again, which leave was granted by the Senate.

On motion, leave of absence was granted to Mr. Morgan for two days.

And the Senate adjourned.

SATURDAY, JANUARY 8th, 1831.

The Senate assembled.

Mr. Linton, from the select committee, to which was referred a bill concerning a certain school section therein named, reported the same without amendment.

Ordered, That it pass to a third reading.

Mr. Frisbie offered for adoption, the following resolution:

Resolved, That the report of the Secretary of State, relative to books missing, or withheld from the State Library, together with the accompanying letters, be referred to the committee on revision, with instructions to address a respectful letter to his Excellency, the Governor, soliciting him to return Livingston's Louisiana code to the Library, for the use of the Legislature, during the present session of the General Assembly.

Mr. M'Kinney moved to lay said resolution on the table, which was determined in the negative.

And on the question shall this resolution be adopted,

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Lomax, Orr, Pennington, Robb, Sering, Watts, and Worth,—16.

Those who voted in the negative, are

Messrs. Depauw, Ewing, Lemon, M'Kinney, Stevens and Whitcomb—6.

So said resolution was adopted.

Mr. Pennington moved to take up the resolution requesting the Governor to make a nomination of Supreme Judges.

And on the question, shall this resolution be taken up, it was carried in the affirmative.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Frisbie, Graham, Gregory, Lomax, Orr, Pennington, Robb, Stevens, Watts and Worth—14.

Those who voted in the negative, are

Messrs. Ewing, Fletcher, Givens, Lemon, Linton, M'Kinney, Sering, and Whitcomb—8.

Mr. Robb moved to amend said resolution, by striking it out from the resolving clause, and inserting the following in lieu thereof, "That the Governor be, and he is hereby respectfully requested to make his nomination of persons, to fill the offices of the Supreme Court Judges, whose term of service has expired."

Mr. Sering called for a division of the question,

And on the question, shall the resolution be stricken out, it was carried in the affirmative.

The question then recurring upon the amendment of Mr. Robb, it was carried in the affirmative.

And on the question, shall the resolution be adopted, as amended, it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Linton, Lomax, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts, Whitcomb and Worth—19.

Those who voted in the negative, are

Messrs. Ewing, Gregory and Lemon—3.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has agreed to the amend-

ments proposed by the Senate, to the first and fifth amendments made by the House, to the engrossed bill of the Senate, entitled,

"An act to regulate the mode of doing county business in the several counties in this State," and has receded from their 4th and 6th amendments to said bill.

Mr. Worth from the joint committee on enrolled bills,

Reported, That they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act to incorporate the Indiana Historical Society.

An act for the relief of the subscribers for building the State Prison, and

An act authorizing the inhabitants of the town of Salem to become incorporated.

And have found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill of the Senate entitled,

"An act subjecting real and personal estate to execution," with amendments, in which the concurrence of the Senate is requested.

Said amendments were then severally read and agreed to.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has passed, with amendments, the engrossed bill of the Senate, entitled,

"An act for the prevention of frauds and perjuries."

They have also passed engrossed bills of the House entitled,

"An act for the relief of Alpha Frisbie."

"An act to authorize William Polke to convey certain land to Jane Shuler."

"An act to authorize the Circuit Court of the county of Posey to change the venue in a certain case therein named."

"An act to establish a state road from Richmond, in Wayne county, to Fort Wayne, in Allen county."

"An act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county," and,

"An act regulating Grist mills, and millers."

In which Bills, of the House, and the amendments of the House, to said bill of the Senate, the concurrence of the Senate is requested.

The Speaker of the House, having signed enrolled bills, entitled,

"An act for the relief of the subscribers to the building of the State Prison,"

"An act authorizing the inhabitants of the town of Salem, to become incorporated," and,

"An act to incorporate the Indiana Historical Society." I am directed to bring them to the Senate, for the signature of their President.

Said bills having been signed by the President, were handed to the committee on enrolled bills, to be presented by them, to the Governor, for his approval and signature.

The Senate proceeded to the consideration of the amendments proposed by the House, to the engrossed bill of the Senate, entitled "an act for the prevention of frauds and perjuries."

The 1st, 3rd, and 4th, were then severally read and agreed to.

The 2nd and 5th amendments proposed by the House of Representatives to said bill, were severally read and disagreed to.

Ordered, That the House of Representatives be informed thereof.

The engrossed bills from the House of Representatives, entitled,

"An act for the relief of Alpha Frisbie."

"An act to authorize Wm. Polke to convey certain land to Jane Shuler."

"An act to authorize the Circuit Court of the county of Posey, to change the venue in a certain case therein named."

"An act to establish a state road from Richmond, in Wayne county, to Fort Wayne, in Allen county,"

"An act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county," were severally read the first time, and ordered to a second reading.

The engrossed bill from the House of Representatives, entitled, "An act, regulating Grist mills and millers,"

Was twice read, committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. Fletcher, from the joint committee on enrolled bills, reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act authorizing the inhabitants of the town of Salem, to become incorporated.

An act for the relief of the subscribers to the building of the state prison, and,

An act to incorporate the Indiana Historical Society.

On motion of Mr. Depauw,

Resolved, That the committee of ways and means, inquire into the expediency of having bound, a part, or the whole of the copies of the revised code, and special acts, of the present session, and should that committee deem it expedient that such binding should be provided for, then that they ascertain for what price such binding can be contracted for, the cost of binding, per volume, in calf, sheep and deer skin; also the cost of binding, in boards, of several given numbers of copies, and that said committee make report thereon, as soon as may be convenient.

Mr. Gregory introduced a joint resolution of the General Assembly, which was read the first time, and passed to a second reading.

The Senate proceeded to consider the orders of the day.

The bill providing for the construction of a bridge over mill creek, in Owen county, was read the second time and passed to a third reading.

The memorial and resolution, for a survey of the Maumee river, and for discretionary power, to apply that portion of our canal lands lying in Ohio, to improve the channel thereof, was read the third time, and on the question, shall this memorial and resolution pass.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Depauw, Ewing, Fletcher, Frisbie, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb, and Worth—13.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Givens, Graham, Gregory, Lemon, Lomax, Pennington, and Robb—9.

So said memorial and resolution was adopted.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The engrossed bill from the House of Representatives, entitled "an act, organizing the Supreme Court, and defining its powers and duties," was read the third time, and passed, with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence to the amendments requested.

On motion of Mr. Gregory.

Resolved, That when the Senate adjourns, it be to Monday morning at 9 o'clock, A. M.

And the Senate adjourned.

MONDAY, JANUARY 10, 1831.

The Senate assembled.

Mr. Blair, presented the petition of James H. Martin and others, praying a relocation of the county seat of Fountain county, and the remonstrance of J. B. Vanmatre and others, against the removal of said county seat, which were severally read, and

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Linton and Orr be the committee.

Mr. Linton presented the petition of Moses Carr and others praying the repeal of the act regulating medical societies approved, Jan. 30, 1830, which was read, and

On motion of Mr. Linton, laid on the table.

Mr. Givens presented the petition of Moses P. Endicott, and others, citizens of Warrick, Vanderburgh and Posey counties, praying a reduction of the tuition fees for admission into "Indiana College," and that in future elections of professors no two shall belong to one religious denomination or sect, which was read, and

On motion of Mr. Givens, referred to the committee on education.

Mr. Blair presented the petition of Alexander Baldwin and others, citizens of Vermillion, praying a relocation of the state road from Clinton to the line dividing the states of Illinois and Indiana, which was read, and

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Orr and Linton be the committee.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The House of Representatives has receded from the 2d amendment proposed by them to the engrossed bill from the Senate entitled,

"An act for the prevention of frauds and perjuries," and insist on their fifth amendment to said bill.

The Senate proceeded to the consideration of said proposed 5th amendment, and,

On motion of Mr. Gregory, they receded from their disagreement to it.

Ordered, That the House of Representatives be informed thereof.

The President laid before the Senate the petition of the officers of the 16th Regiment, praying an alteration in the mode of collecting military fines, which was read and referred to the committee on military affairs.

Mr. Stevens, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was committed the petition of Jesse Oneal, praying for the passage of an act of the Legislature, to compel the Agent of the county of Rush, to make him a deed to a lot in the town of Rushville, in said county,

Report, That they have examined the petition, and all the documents accompayning the same, and find that if the petition be true, and the documents accompayning it be genuine, (which the committee have no reason to doubt,) the petitioner has an undoubted, equitable title to the lot of ground in question, and that a court of chancery, on a proper application, will be bound to grant him adequate relief.

The committee do not believe, that the Legislative enactments, to compel said agent to convey said lot of land, to the petitioner, or if he did convey, in pursuance of such an enactment, that the title would not be any legal bar to the county, or other legal owner of the lot of ground, in prosecuting their claim to it. The committee, therefore, deem it inexpedient

to grant the prayer of the petitioner, and ask to be discharged from the further consideration of the subject.

Which was read, and,

On motion of Mr. Stevens, laid on the table.

Mr. Stevens, from the the committee on the judiciary made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a resolution of the Senate directing the committee to report to the Senate, whether the State of Indiana has any jurisdiction over those waters leading into the Mississippi, and St. Lawrence rivers, which are declared by the Ordinance of Congress common highways to remain free forever to all the citizens of the States of the Union, without tax, impost or duty, and whether the State of Indiana has the power and jurisdiction to declare other streams than those common highways, and enact laws to protect and improve them and punish those who obstruct them,

Report, That the resolution contains three distinct branches of inquiry, and that for the purpose of being correctly understood, they have investigated each branch of the inquiry separately in the order the resolution presents them, viz:

1. Has the state of Indiana any jurisdiction over those streams declared common highways by the Ordinance of Congress, of 1787 as above stated.

The State of Indiana is possessed of all the jurisdiction and power, within her limits, of an independent sovereignty, except so far as it is surrendered to the general government.— If then the jurisdiction and sovereignty of the State over these streams have not been surrendered, no doubt about the jurisdiction can exist.

The ordinance declares those streams common highways, and that they shall remain free to the citizens of all the states of the Union forever without tax, impost or duty, but it goes no further.

The only restriction imposed on the state is that those streams shall not, either, be stopped up or obstructed or any impost, tax or duty be laid on those who may navigate them.— All the other rights, powers, sovereignty and jurisdiction of the state over those streams remain unimpaired and they can be rightly exercised whenever necessary.

2. Has the state of Indiana any constitutional power, jurisdiction or authority to declare any other streams of water com-

mon highways, than those declared so by the ordinance of Congress?

All those streams of water that are not declared common highways by the ordinance of Congress are purchased and owned as private property, or as other lands are purchased and owned and the state cannot take private property for public use, without remunerating the owner for damage done.— But notwithstanding that, all admit that the state has full power and constitutional authority to establish, open, make and keep in repair common highways on dry land, by paying the owners of the land, the damage which they may sustain thereby. And the committee cannot see any difference between the power and authority to establish and make common highways on dry land, and the power and authority to establish and make common highways on land covered with water; therefore they believe the state can constitutionally declare any stream of water a common highway.

3. Can the state of Indiana cause obstructions, such as mill dams and other obstacles erected across those streams, to be removed, and punish those who may thus obstruct them?

If the answer to the two foregoing propositions be correct, the affirmative of this third inquiry follows as a matter of necessity. If the state has the power to make open and establish common highways on land or to declare the beds of streams of water common highways, and of which there can be no doubt, the power and right to protect such highways from obstruction, and to punish those who may infringe on or obstruct the same, cannot for a moment be doubted.

The Senate proceeded to consider the orders of the day.

On motion of Mr. Claypool, the committee of the whole, was discharged from the further consideration of the joint resolution, relative to the tariff and internal improvements.

Mr. Claypool then moved to lay said joint resolution on the table, which motion was carried in the affirmative.

The engrossed bills from the House of Representatives, entitled,

“An act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county, and

“An act to establish a state road from Richmond, in Wayne county, to Fort Wayne, in Allen county, were severally read the second time and passed to a third reading.

A message from the Governor by Mr Forsee, his private Secretary.

Mr. PRESIDENT,

I am requested by his Excellency the Governor to inform the Senate, that he has approved, and filed, in the Secretary's office, on this day, the following acts:

An act authorizing the inhabitants of the town of Salem, to become incorporated.

An act to incorporate the Indiana Historical Society.

An act for the relief of the subscribers for building the State Prison.

The engrossed bill from the House of Representatives, to authorize William Polke, to convey certain land to Jane Shuler, was read the second time:

And on the question, shall this bill pass to a third reading,
The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Graham, Lomax and Worth—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Givens, Gregory, Lemon, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts and Whitcomb—15.

So it was determined in the negative.

The engrossed bill from the House of Representatives, entitled,

"An act to authorize the Circuit Court of the county of Posey to change the venue in a certain case therein named," was read the second time, and

On motion of Mr. Givens, laid on the table.

The joint resolution of the General Assembly, was read the second time, and,

On motion of Mr. Stevens, committed to the committee on revision.

The engrossed bill from the House of Representatives, entitled, "An act for the relief of Alpha Frisbie, was read the second time, and,

On motion of Mr. Givens, laid on the table.

The engrossed bill from the House of Representatives, entitled, "An act to vacate a part of water street, in the town of Greencastle, was read the third time and passed, with amendments.

Mr. Orr moved to amend the title thereof, by adding these words, "and for other purposes," which was carried in the affirmative.

Ordered, That the House of Representatives be informed thereof, and their concurrence to the proposed amendments requested.

The engrossed bill concerning a certain school section therein named, and, the engrossed bill providing for the construction of a bridge over Mill creek, in Owen county, were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The Senate according to order resolved themselves into a committee of the whole Senate, on the bill regulating the practice in suits at law; and after some time spent therein, the President resumed the chair and Mr. Gregory reported progress and asked leave to sit again, which leave was granted by the Senate.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bill of the House entitled, "An act organizing the Supreme court and defining its powers and duties."

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate again resolved themselves into a committee of the whole on the bill regulating the practice in suits at law; and after some time spent therein, the President resumed the chair, and Mr. Gregory reported the same with amendments which were concurred in generally.

Ordered, That the bill be engrossed for a third reading.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives, entitled "An act defining the duties of Re-

orders," and after some time spent therein, the President resumed the chair, and Mr. Claypool reported the same without amendment.

Ordered, That said bill pass to a third reading.

The Senate, according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "An act regulating divorces," and after some time spent therein, the President resumed the chair, and Mr. Clendenin reported the same without amendment.

Mr. Fletcher moved to amend said bill, by adding to the 4th section thereof, the following, "and the court before whom the cause is heard, may direct the issue or issues in fact, made by the pleadings, to be tried by a jury," which motion was determined in the negative.

Mr. Ewing moved to amend said bill, by striking out the 9th section, which reads as follows:

"The several prosecuting attorneys for the State of Indiana, are hereby directed, and it is made a part of their official duties, to attend to, and oppose the granting of all divorces in the circuit courts of their several judicial circuits."

Which motion was determined in the negative.

Mr. Watts moved to amend said bill by striking out the 10th section thereof, which section reads as follows:

"In all cases where divorces have heretofore been granted by any judgment or decree of a circuit court, or by special act of the General Assembly, in favor of one of the parties, the other party shall be considered as thereby absolved from all duties, obligations or liabilities consequent to such marriage contract."

And on the question, shall the bill be so amended,
The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Ewing, Givens, Sering, Watts, Whitcomb and Worth—7.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Fletcher, Frisbie, Graham, Gregory, Lemon, Linton, Lomax, Morgan, McKinney, Orr, Pennington, Robb, and Stevens—15.

So said motion was determined in the negative.

Mr. Whitcomb moved to amend said bill, by adding the following, to constitute an additional section, to wit:

"Sec. 11. Either party may take depositions in cases of divorces, to be read in evidence on the trial thereof, in like manner, as in common law cases, upon his giving due notice to the opposite party, his or her agent or attorney, or where such opposite party is a non resident of the State, by filing such notice in the Clerk's office of the court, in which such cause is pending, at least four weeks previous to the day of taking such depositions,"

Which motion was determined in the negative.

Ordered, That said bill pass to a third reading.

The Senate according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "An act authorizing domestic attachments, and regulating proceedings thereon, and after some time spent therein, the President resumed the chair, and Mr. Depauw reported the same with sundry amendments, which were read and concurred in, generally.

Ordered, That the amendments be engrossed and read a third time.

A message from the House of Representatives by Mr. White their Assistant clerk:

MR. PRESIDENT,

The House of Representatives has agreed to the amendments proposed by the Senate, to the engrossed bill of the House, entitled, "an act to vacate part of Water Street, in the town of Greencastle."

And the Senate adjourned.

TUESDAY, JANUARY 11, 1831.

The Senate assembled.

On motion of Mr. Morgan the report of Mr. Stevens relative to the petition of Jesse O'Neal of Rush county, was taken up, the committee discharged from the further consideration of the subject and leave granted him to withdraw the documents accompanying said petition.

Mr. Fletcher presented the petition of George Smith, praying an allowance for apprehending John T. Lewis, which was read and referred to the committee on claims.

Mr. Morgan presented the remonstrance of Willis G. Ather-ton and others, of Marion county, against the location of a state road from Rushville to Greenfield, which was read and laid on the table.

Mr. Stevens from the committee on the judiciary made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a resolution of the Senate directing the committee to inquire into the expediency of fixing some definite time, after which persons who may pay fines on convictions under the penal laws of the state, shall not be entitled to recover back such fines on being pardoned by the Executive of the state, REPORT:

That they are of the opinion that the doctrine is well settled, that so soon as a fine is collected and paid over according to law, it instantly becomes a vested right, and that no pardon can entitle the person to recover it back again.

A pardon only restores the person pardoned, to such property, rights and effects, as have not become legally vested elsewhere. This doctrine has often been recognized in courts of justice, and is now, perhaps, settled to be the rule of decision.

The committee deem the inquiry directed by the Senate, unnecessary, and therefore ask to be discharged.

Which was read, and the committee discharged.

Mr. Graham, from the committee of ways and means, made the following report:

MR. PRESIDENT,

The committee of ways and means, to whom was referred, a resolution of the Senate, instructing them to inquire into the expediency of binding the revised laws, of the present session, and if they should deem it expedient to have the same bound, to ascertain for what price, per volume, contracts could be made.

In discharging the duty assigned your committee, the first proposition which presented itself, was, "is it expedient to have the laws bound?" To this question, the committee unhesitatingly respond, that it is expedient and necessary. The practice heretofore pursued, of distributing the laws stitched

only, and without covers, has been one of the causes of the scarcity of the acts complained of, and was one of the arguments used in favor of a revision at the present session.—Where books without covers are deposited in the Clerk's offices or elsewhere, a little handling destroys the title page and index, and in this manner, the books are rendered in a great degree useless.

In order to answer the second proposition understandingly, your committee addressed a note to Mr. John Cain, Bookbinder at this place, requesting him to state the lowest prices for binding in a workman-like manner, the revised laws of the present session, and also to state what length of time it would require to complete the work after the same should be placed in his hands. In answer to the several inquiries of your committee, they received a communication from Mr. Cain which is herewith submitted.

Your committee close this report by recommending the adoption of the following resolution, viz:

Resolved, That the revised code of the present session be bound in sheep or deer-skin.

Which report, was on motion, concurred in, and the resolution adopted.

The following is the communication of Mr. Cain, referred to, and made part of said report:

Indianapolis, Indiana, Jan. 11, 1831.

MR. WM. GRAHAM,

Chairman of the committee of ways and means:

SIR:—In reply to your note of this date, making inquiry of me, on what terms the revised laws of 1831, could be bound for per volume, I submit the following statement:

1st. I will bind the revised laws of 1831, in the best calfskin binding, for 56½ cents per volume.

2d. I will bind the above named revised laws, in sheep or deer skin binding, in the best manner, for 45 cents per volume.

3d. I will bind the revised laws, above named, in good half binding, for 37½ cents, per volume, and I will complete the number that will be wanted for distribution, in eight weeks after the books come into my hands. I will complete the work in the best manner, in that time.

I intend the above propositions to embrace the pressing, folding and stitching of the above named laws, in my contract. It has always been a separate contract, but I will do all un-

der the contract, if you think proper to have them bound.
Yours, &c.

JOHN CAIN.

Mr. Linton, from the committee on education, to which was referred the petition of Samuel Powers, and others, praying remuneration for certain improvements made on a school section therein mentioned, and also a bill for the relief of John Smith, and others, reported the same with an amendment, for the relief of Samuel Powers, and the widow and orphan children of Joseph Powers, which was read and concurred in.

Ordered, That said amendments be engrossed, and with the bill, pass to a third reading.

Mr. Gregory, from the committee on roads, to which was referred the petition of Wm. Conner, and others, of Hamilton county, reported a bill, providing for the relocation of a part of the Fort Wayne state road, which was read the first time and passed to a second reading.

Mr. Watts, from the select committee, to which was referred the engrossed bill from the House of Representatives, entitled, "an act to incorporate the Lawrenceburgh bridge company," reported the same with amendments, which were read and concurred in.

Ordered, That they be engrossed, and with the bill pass to a third reading.

Mr. Linton, from the select committee, to which was referred, a bill to provide for the relocation of the state road, from Bono to Terre Haute, and an engrossed bill from the House of Representatives, entitled "an act authorising a review of a part of the state road from Bono via Bedford, to Terre Haute," reported that they had had the same under consideration, and had made an amendment to said bills, which is by striking them out from their enacting clause, and inserting five new sections, which was read and concurred in.

Ordered, That the bill, as amended, be engrossed for a third reading.

On motion of Mr. Linton, the engrossed bill from the House of Representatives, entitled "an act authorizing a review of a part of the state road from Bonovia Bedford, to Terre Haute, was indefinitely postponed.

Mr. Stevens, from the committee on revision, introduced a bill authorizing the reprinting of sundry acts, and for other purposes, was twice read and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Stevens, from the committee on revision, introduced

a bill to provide for the distribution of the laws and journals, and for other purposes, and a bill authorizing the reprinting of sundry acts, and for other purposes.

Which were severally read twice, and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Stevens from the same committee, reported a bill respecting the agent of the 3 per cent fund, which was read the first time, and passed to a second reading.

Mr. Stevens from the committee of revision to whom was referred a resolution of the Senate, with sundry letters and documents on the subject of some books missing from the State Library, and requiring the committee to address a respectful letter to his Excellency the Governor on the subject of the Louisiana code,

Reported, That the committee had directed him to return the resolution, letters and documents to the Senate again, and inform them that the letters and documents and the Louisiana code are of no use to them as a revising committee, having sometime since furnished the revision of the acts respecting the Library and having nearly completed all the business intrusted to them. And further that they believe that they are not the appropriate committee to act on the latter part of the resolution, it being a single resolution of the Senate in which the House of Representatives have not concurred.

On motion of Mr. Graham, said resolution and accompanying communications were referred to the committee on education.

The Senate proceeded to consider the orders of the day.

The engrossed bill from the House of Representatives, entitled,

"An act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county," was read the 2d time, and,

On motion of Mr. Morgan, referred to a select committee.

Ordered, That Messrs. Morgan, Fletcher and Gregory be the committee.

On motion of Mr. Givens,

The engrossed bill from the House of Representatives, entitled,

"An act authorizing the Circuit Court of the county of Posey, to change the venue in a certain case therein named," was taken up.

Ordered, That it pass to a third reading.

Mr. Worth from the joint committee on enrolled bills; reported, that they had compared the enrolled with the engrossed bills, entitled as follows, to wit:

An act concerning proceedings in ejectment and for the relief of occupying claimants of land.

An act to establish a state road from Washington in Wayne county to Newcastle in Henry county.

An act to legalize the proceedings of the board of commissioners of Perry county, and,

An act to locate a state road from Newcastle in Henry county to Milton in Wayne county.

And had found said bills truly enrolled.

On motion of Mr. Givens,

The engrossed bill from the House of Representatives, entitled, "An act for the relief of Alpha Frisbie," was taken up and referred to a select committee.

Ordered, That Messrs. Givens, Frisbie and Robb be the committee.

The engrossed bill from the House of Representatives, entitled,

"An act to establish a state road from Richmond, in Wayne county, to Fort Wayne, in Allen county," was read the second time, and,

On motion of Mr. Lomax, referred to a select committee.

Ordered, That Messrs. Lomax, Worth and Fletcher be the committee.

The engrossed bills from the House of Representatives, entitled,

"An act defining the duties of recorders."

"An act authorizing domestic attachment, and regulating proceedings thereon," and

An engrossed bill of the Senate regulating the practice in suits at law, were severally read the third time and passed—the second named bill of the House with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments to the bill of the House and the bill of the Senate, requested.

The engrossed bill from the House of Representatives, entitled, "An act regulating divorces," was read the third time, and on the question, shall this bill pass?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Gra-

ham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Stevens and Worth—17.

Those who voted in the negative, are

Messrs. Frisbie, Givens, Sering, and Watts—4.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills entitled,

“An act to locate a state road from Newcastle in Henry county, to Milton in Wayne county.”

“An act concerning proceedings in ejectment and for the relief of occupying claimants of land.”

“An act to legalize the proceedings of the board of commissioners of Perry county,” and

“An act to establish a state road from Washington in Wayne county, to Newcastle in Henry county.”

I am directed to bring the same to the Senate for the signature of their President.

Said bills having been signed by the President, were handed to the committee on enrolled bills, to be presented by them to the Governor for his approval and signature.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Lemon after having obtained leave, presented the petition of James Keigwin superintendant of the State Prison, praying certain relief, which was read and referred to the committee on the State Prison.

The President laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT, }
Indianapolis, Indiana, Jan. 11, 1831. }

HON. MILTON STAPP,

President of the Senate:

SIR:—I have received the resolution of the chairman of the committee of education, of this date, requesting me to place the Louisiana code in the State Library. I have complied with the request of this resolution, but not because I recognize in the Senate, any right to make such a call. The Executive of this State, considers himself bound by its *laws*, and responsible for any thing he does, to the people of the State, or their representatives; but, not subject to the direction of a Senate. This volume of laws is placed in the Library, not at the instance of the Senate, but because I discover an evident determination to wrest it from my hands, on the part of *those* who cannot endure the idea of having a code of laws for Indiana, and because I am unwilling further to subject myself to those splenetic effusions which have already signally disgraced the State. Has any man in the State wished to see or use this book? No one has ever requested it of me, since it has been in my possession.

This book has never, until *now*, been in the State Library. When I was at Washington, in 1828, I had an interview with Mr. Livingston, the author of it, and informed him that it was my intention to embody its valuable provisions in a code for this State. I found a copy of said code indorsed to me *by name*, in the post office at this place. I have *no* evidence that it is the property of the State, but have made *it so* by voluntarily placing it in the Library. If it *were* the property of the State, why is a different course adopted towards the Executive to acquire it, than against others? On looking over the books of the Librarian, I discover that books are charged to divers public officers and members of the Legislature, including the Senators—to some recently—to others more remotely—and no credits entered for their return. I found that Judges of the Supreme Court, who had books out, were called upon privately for them, when their use was needed; but the Governor must be called upon *publicly*, with a view of exciting a suspicion of his moral honesty.

Furthermore, few can plead ignorance of the fact, that I have had this book in use, as a model in preparing a code, from

which, extensive selections of matter were to be made. The course now pursued by the Senate, is considered an attempt to deprive me of the principal book of reference in the prosecution of my design, so as to defeat the project of making a code of laws. It may have that effect.

I would ask in the name of that country, which has placed me where I am, why the Executive of the State is not entitled to equal privileges with other men—with other officers—with *Senators*? Why is he called upon to return a book, whilst a great many volumes of books are out in other hands, even in the hands of *Senators*, and no call is made for them? Why is a different course adopted towards the Governor, than against other men? How uncourteous would it be for the Governor to send his request to each individual who now is in possession of the State's books, to return them to the Library? The Executive conceives himself as independent of the Senate, as the Senate can possibly conceive itself of him.—The constitution makes them thus independent of each other, and the Governor feels the obligations of his oath. To the LAW, which the Senate, as a co-ordinate branch of the government may aid in passing, the Executive will submit, but not to their *extra-constitutional decrees*. The Governor understands his *duty*, and will fearlessly in all cases perform it.

Respectfully, your obt. servant.

JAMES B. RAY.

The Senate according to order resolved themselves into a committee of the whole, on the bill regulating county seminaries, and after some time spent therein, the President resumed the chair and Mr. Ewing reported the same with amendments, which were concurred in generally, except the two following, to wit:

1st. In the 8th section after the words "rate of" insert these words "interest not less than 6."

And on the question will the Senate concur in said amendment—it was carried in the affirmative.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher Frisbie, Gra' am. Linton, M'Kinney, Orr, Robb, Sering-Stevens, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Ewing, Givens, Gregory, Lemon, Lomax, Morgan, Pennington and Watts—8.

The 2d amendment excepted to, is by striking out the 32d section of said bill which reads as follows:

“All laws and parts of laws heretofore in force in this state relating to county seminaries are hereby repealed.”

And on the question will the Senate concur in said amendment, it was carried in the affirmative.

Mr. Ewing moved to amend said bill by adding the following proviso to the last section, to wit:

“*Provided*, That the provisions of this bill shall not affect any special acts relative to the county seminaries now in force.

Which motion was carried in the affirmative.

Ordered, That said bill as amended be engrossed for a third reading.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives entitled,

“An act to regulate descents, distribution and dower, and after some time spent therein, the President resumed the chair, and Mr. Fletcher reported progress and asked leave to sit again,

Which leave was granted by the Senate.

And the Senate adjourned.

WEDNESDAY, JANUARY 12, 1831.

The Senate assembled.

Mr. Sering presented the petition of the board of justices of Jefferson county, praying the passage of an act embracing the provisions of the 6th section of an act to relocate that part of the State road leading from Madison to Lawrenceburgh, which lies between the line dividing the counties of Ripley and Jefferson and thence to the Cross Plains in Ripley county, which was read, and

On motion of Mr. Sering, laid on the table.

Mr. Ewing from the committee on canals and internal improvements, to which was referred two letters from the Treas-

urer of State, reported, that having availed themselves of the Auditor's report which embraces the same matter, they herewith return said letters to the Senate, and ask to be discharged from the further consideration thereof,

Which was read, and

On motion the committee discharged.

Mr. Ewing, from the same committee, to which was referred a joint resolution, in relation to the Wabash and White rivers, reported the same without amendment.

Ordered, That said joint resolution pass to a third reading.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did, on yesterday, present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

"An act concerning proceedings in ejectment and for the relief of occupying claimants of land."

"An act to locate a state road from Newcastle in Henry county, to Milton in Wayne county."

"An act to legalize the proceedings of the board of commissioners of Perry county," and

"An act to establish a state road from Washington in Wayne county, to Newcastle in Henry county."

Mr. Lomax, from the select committee to which was referred the engrossed bill from the House of Representatives, entitled, "an act to establish a state road from Richmond, in Wayne county, to Fort Wayne, in Allen county, reported the same with an amendment, which was read and concurred in.

Ordered, That the amendment be engrossed, and with the bill read a third time.

Mr. Morgan, from the select committee, to which was referred the engrossed bill from the House of Representatives, entitled, "an act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county, reported the same, with an amendment, which was read and concurred in.

Ordered, That the amendment be engrossed, and with the bill, pass to a third reading.

Mr. Blair, from the select committee, to which was referred the petition of Austin Bishop, and others, praying an act of incorporation, reported a bill to incorporate the town of Perrysville, which was read the first time, and passed to a second reading.

Mr. Givens, from the select committee, to which was referred an engrossed bill from the House of Representatives, en-

tled, "An act for the relief of Alpha Frisbie," reported the same without amendment.

Said bill was then ordered to a third reading.

Mr. Claypool, from the select committee, on that subject, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred two engrossed bills from the House of Representatives, entitled,

"An act establishing a state road from Connersville to Knightstown, and,

"An act to locate a state road from Connersville, in Fayette county, to Louisville, in Henry county,

Report, That they have given the subject all the consideration which its importance, the number and respectability of the petitioners, seemed to demand.

The first consideration which seemed to present itself for their determination, was to decide in favor of one or the other routes, for a road, it being considered inexpedient, (for reasons hereafter given,) to authorize the location of both roads.—Your committee have therefore decided in favor of the Louisville route, which will intersect the national road about 10 miles the nearest, and although this contemplated road passes through much less territory than the Knightstown road, yet there are about 100 more petitioners in favor of it, than there are for the Knightstown route.

Another consideration which induces the committee to recommend the postponement of the Knightstown road, is the refusal of the Rush county delegation, to defray any part of the expenses of the location.

The committee are also informed that there will be several claims for damages in Rush county, owing to the road passing diagonally through their farms. Your committee therefore believe that no injury will result to the public from a delay of the subject, and in pursuance of that opinion, accompany this report with a resolution recommending the indefinite postponement of the bill, establishing a state road from Connersville to Knightstown, and report the bill to locate a state road from Connersville, with amendments, to which the concurrence of the Senate is requested.

Resolved, That the engrossed bill from the House of Representatives entitled "An act establishing a state road from Connersville to Knightstown," be indefinitely postponed.

Which report was read and the resolution adopted.

The amendments proposed to the engrossed bill of the House of Representatives were then read and concurred in.

Ordered, That they be engrossed, and with the bill, pass to a third reading.

Mr. Gregory introduced a bill to incorporate the Shelbyville county seminary, which was read the first time and passed to a second reading.

Mr. Sering introduced a bill to incorporate the Madison Insurance Company, which was read the first time and passed to a second reading.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act organizing the Supreme court and defining its powers and duties, and

An act to vacate part of water street in the town of Greencastle and for other purposes,

And had found the same truly enrolled.

The Senate proceeded to consider the orders of the day.

The Senate according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "An act to regulate descents, distribution and dower, and after some time spent therein, the President resumed the chair, and Mr. Fletcher reported the same with amendments, which were concurred in, generally, except the following, to wit:

"In the 14th section and 9th line, insert after the word "lies," these words, "or if any of the heirs be a minor."

Mr. Whitcomb moved to amend said amendment by adding after the word "minor," "unrepresented by a guardian," which motion was carried in the affirmative.

And on the question, will the Senate concur in the amendment as amended, it was carried in the affirmative.

Mr. Whitcomb further moved to amend said bill by inserting after the word "dower" in the 18th section and 2nd line, these words: "where there is no minor heir unrepresented by a guardian," which was determined in the affirmative.

Mr. Fletcher then moved to amend said bill by inserting in the 4th section and 3d line after the word "purchase," these words, "with the estate of," which motion was carried in the affirmative.

Ordered, That said amendments be engrossed, and with the bill read a third time.

The President laid before the Senate the following communications from the Governor:

EXECUTIVE DEPARTMENT, }
Ind's. Ind'a. Jan. 12, 1830. }

HON. MILTON STAPP,

3/

President of the Senate:

SIR: I hereby nominate and appoint jointly for the *advice* and *consent* of the Senate, Isaac Blackford, John T. McKinney and Stephen C. Stevens, as Judges of the Supreme Court of the state of Indiana.

Respectfully,

Your ob't. serv't.

J. BROWN RAY.

EXECUTIVE DEPARTMENT, INDIANA, }
Indianapolis, January 12, 1831. }

HON. MILTON STAPP,

President of the Senate,

SIR:—The resolution of the Senate of the 8th inst. is before me. That resolution neither specifying a choice of *men* nor the *time* when nominations are expected, is viewed as intending to imply an omission of duty on the part of the Executive, in not having made nominations prior to *this* time. The resolution simply calls for the performance of that act, which *all* admit is the *duty* of the Executive, and which *all* knew from his repeated declarations would take place before the adjournment of the Legislature. Though the Executive has the unquestionable right to appropriate to himself all the time of the present session of the Senate for advisement, as to whom he will nominate to the bench, yet being now prepared for the first time, he brings the constitutional number of names before the Senate. The intimation that he at any time intended to let the Senate adjourn without a nomination, and then to appoint a court, is gratuitous, without evidence, and against his views of the constitutional provisions. If the State is to be without a Court, it is now evident, it will be because the Senate refuse to confirm the nomination.

I cannot in justice to myself and the public, close this answer, to the resolution of the Senate, calling upon me to appoint the judges, without laying the whole facts connected with this affair open to general scrutiny. The course pursued, based in its own originality, and without any known precedent, will be amusing if not instructive, to the constitutional constructionist.

It will shew as much as any thing else could, how far we are disposed to regard our charter, in these strange party times; how fruitful the inventive genius of the age is, to strike out new expedients, for the gratification of patriotic desires—for the occupation of forbidden ground.

The last seven years term of the present judges commenced December 28th, 1823, and ended on the 28th of December, 1830. On the *twenty-seventh* of December, 1830, one day *before* the terms of the judges were expired, *before* there was a vacancy, and consequently from repeated decisions, *before* the offices could be filled, the following resolution was offered in the Senate, viz:

“In Senate, Dec. 27th, 1830.

“Mr. Pennington offered for adoption the following resolution, to wit:

“Resolved by the Senate, That James Scott, Jesse L. Holman, and Isaac Blackford, be recommended to the Governor, as suitable persons to fill the office of Judges of the Supreme Court of this State, for the term of seven years from and after the 28th day of this month, and that he be advised to nominate the same to the Senate.”

This resolution was pending and *undetermined* in the Senate until the 8th of January inst. when it was stricken out from the resolving clause, and the one before me inserted and passed. If during the life of the first resolution, recommending the old court, the Governor had made a nomination of the men named in it, he would justly have been considered as subservient to Senatorial dictation; and if at such time, he had nominated *other* men, it would, under such circumstances, have been deemed an indelicate and protrusive assumption of prerogative, to forestall the opinions of the advisory body, then having the names of particular men under consideration.

The Executive does not, however, acknowledge the right of the Senate to interfere either directly or indirectly with the *nominating power*, either as to a choice of *men*, or the *time* of their presentation for acceptance or rejection, any more than he does the right of the *nominating power* to interfere with the *confirming power*, believing that neither has the privilege of encroaching upon the other, in this with any more propriety than in other cases. If the executive were to request the Senate, to proceed to the confirmation of *his nominations*, would it not be deemed an unauthorized interference with her separate functions? We would hear a universal sentiment, that such a step would neither be dignified nor respectful.—

The Executive takes upon himself as much responsibility as the Senate, in forming a court, and both must answer, *not the one to the other*, but to the PEOPLE, for their acts. The Governor now freed from restraint, and after mature deliberation, cheerfully performs the duty required of him by the constitution; *and all that is required*. The period that has elapsed without nominations, though *principally* occasioned by the aforementioned resolutions, can be productive of no other consequences, than the saving of something less than a hundred dollars to the treasury. This is all the answer deemed necessary to the Senate's resolution.

I have the honor to be, sir, very

Respectfully, your obt. servant.

JAMES B. RAY.

The bill providing for a relocation of part of the Fort Wayne state road, was read the second time, and ordered to be engrossed for a third reading.

The engrossed bill from the House of Representatives to authorise the Circuit court to change the venue in a certain case, was read the third time.

Mr. Fletcher moved to commit said bill to the Judiciary committee, with instructions to report a bill to provide for the change of venue in criminal cases, which motion was determined in the negative,

And on the question, shall this bill pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Lemon, Linton, Lomax, Morgan, M'Kinney, Pennington, Robb, Sering, Stevens, Watts, and Whitcomb—18.

Those who voted in the negative, are

Messrs. Claypool, Fletcher, Gregory, and Orr—4.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled,

"An act to incorporate the Lawrenceburgh bridge company," was read the third time, and passed with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The House of Representatives has passed engrossed bills entitled as follows, viz:

"An act concerning Clerks," and

"An act concerning the Secretary of State."

The former without, the latter with one amendment.

They have also passed engrossed bills of the House entitled,

"An act providing for the incorporation of towns."

"An act to establish a State Library."

"An act regulating the practice in chancery," and

"An act to provide for opening a part and relocating a part of the Mauk's ferry state road,"

In which bills of the House and the amendment to the said bill of the Senate, the concurrence of the Senate is requested.

The House has also agreed to the amendments proposed by the Senate, to the engrossed bill of the House, entitled,

"An act authorising domestic attachment and regulating proceedings therein."

The engrossed bills from the House of Representatives, entitled,

"An act providing for the incorporation of towns,"

"An act regulating the practice in chancery," and

"An act to establish a state Library,"

Were severally read twice and committed to a committee of the whole Senate and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, entitled,

"An act to provide for opening a part, and relocating a part of Mauk's ferry state road,

Was read the first time and passed to a second reading.

The Senate proceeded to consider the amendment proposed by the House of Representatives to the engrossed bill of the Senate entitled,

“An act concerning Clerks.”

On motion, the Senate agreed to said amendment.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Pennington, the orders of the day were postponed for the purpose of going into the consideration of Executive business, absent Messrs. M’Kinney and Stevens.

Mr. Pennington offered for consideration the following resolution:

Resolved, That the Senate will now proceed with closed doors, to consider the nomination of the Governor this day made of Isaac Blackford, John T. M’Kinney and Stephen C. Stevens, as Judges of the Supreme Court.

Mr. Sering moved to amend the resolution by striking out “now” and inserting Monday next, which was negatived, and the question being put on the adoption of the resolution, it was carried in the affirmative,

And the doors were closed.

Mr. Depauw moved to strike out “with closed doors” from said resolution, which was negatived.

Mr. Pennington for the purpose of considering the nominations separately proposed the following resolution, viz:

Resolved, That the Senate do advise and consent to the appointment of Isaac Blackford as one of the Judges of the Supreme Court of the State of Indiana,

And on the question shall said resolution be adopted,

The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts, Whitcomb and Worth—21.

Noes none.

So the said nomination was unanimously concurred in.

Mr. Robb then offered the following resolution:

Resolved, That the Senate advise and consent to the ap.

pointment of John T. M'Kinney as one of the Judges of the Supreme Court of the State of Indiana.

Mr. Givens moved to amend the resolution by inserting "do not" between "Senate," and "advise" and on the question shall the resolution be so amended,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lomax, Orr, Pennington, Sering, Watts, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Lemon, Linton, Morgan and Robb—6.

So the said amendment was adopted, and the question recurring on the adoption of the resolution as amended,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lomax, Orr, Pennington, Sering, Watts, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Lemon, Linton, Morgan and Robb—6.

So said resolution as amended was adopted.

Mr. Robb then offered for consideration the following resolution:

Resolved, That the Senate advise and consent to the nomination of Stephen C. Stevens, as one of the Judges of the Supreme Court of the State of Indiana.

Mr. Pennington moved to amend the said resolution by inserting "do not" between "Senate" and "advise,"

And on the question shall the resolution be so amended,

The ayes and noes being demanded,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lomax, Orr, Pennington, Sering, Watts and Whitcomb—13.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Fletcher, Lemon, Linton, Morgan, Robb and Worth—8.

So said amendment was adopted,

And the question recurring, shall the resolution as amended be adopted,

The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lomax, Orr, Pennington, Sering, Watts, and Whitcomb—13.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Fletcher, Lemon, Linton, Morgan, Robb, and Worth—8.

So said resolution as amended was adopted.

Mr. Whitcomb then offered the following resolution:

Resolved, That the Secretary of the Senate cause an attested copy of the foregoing resolutions to be forthwith presented to the Governor, which was adopted, and

On motion of Mr. Whitcomb, it was resolved, that the injunction of secrecy be taken off from the nomination of Isaac Blackford, John T. McKinney and Stephen C. Stevens to be Judges of the Supreme Court, and from all proceeding thereon, that they appear on the Journals of the Senate,

And on the question shall this resolution be adopted,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts, Whitcomb and Worth—18.

Those who voted in the negative, are

Messrs. Blair, Fletcher and Frisbie—3.

So the said resolution was adopted.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill of the House, entitled,

“An act respecting free negroes and mulattoes, servants and slaves,” in which the concurrence of the Senate is requested.

Said bill was read the first time, and passed to a second reading.

And the Senate adjourned.

THURSDAY, JANUARY 13, 1831.

The Senate assembled.

Mr. Blair from the committee on the State Prison, to which was referred the petition of James Keigwin, superintendant of the State prison, praying certain relief, reported a bill for the relief of the superintendant of the state prison, which was read twice.

Mr. Lemon moved to amend the same by filling the blank for the compensation of the commissioners of examination, with \$2,50 per diem, when,

On motion of Mr. Gregory, it was committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The Senate proceeded to consider the orders of the day.

The engrossed bill from the House of Representatives, entitled an act respecting free negroes, mulattoes and slaves, was read the second time.

Mr. Morgan moved indefinitely to postpone said bill, and,

The ayes and noes being demanded by two Senators, on said motion,

Those who voted in the affirmative, are

Messrs. Blair, Fletcher, Gregory, Lomax, Morgan, M’Kinney, Sering, Stevens, Watts and Worth—10.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Lemon, Linton, Orr, Pennington, Robb and Whitcomb—13.

So said bill was not indefinitely postponed.

Said bill was then committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to incorporate the Madison Insurance company, and,

The bill to incorporate the town of Perrysville, were severally read the second time, and passed to a third reading.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act authorizing the appointment of Constables, and defining their duties, and,

An act regulating divorces.

And had found the same truly enrolled.

The engrossed bill from the House of Representatives, entitled "an act to provide for opening a part, and relocating a part of the Mauk's ferry state road, was read the second time,

And, on motion of Mr. Graham, laid on the table.

The engrossed bill from the House of Representatives, entitled,

An act for the relief of Alpha Frisbie, was read the third time, when,

Mr. Graham moved to recommit the same to a select committee, which motion was determined in the negative.

And on the question, shall this bill pass, it was carried in the affirmative.

Ordered, That the House of Representatives be informed thereof.

The engrossed bills from the House of Representatives, entitled,

An act for the relief of John Smith, and others.

An act regulating descents, distribution and dower.

An act to locate a state road from Connersville, in Fayette county, to Louisville, in Henry county.

An act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county.

An act to establish a state road from Richmond, in Wayne county, to Fort Wayne, in Allen county, and,

A joint resolution from the House of Representatives, to

improve the navigation of the Wabash and White rivers, also;
An engrossed bill of the Senate, to relocate a state road from Bono to Terre Haute, and,

An engrossed bill providing for a relocation of a part of the Fort Wayne state road, were severally read the third time and passed, the bills of the House, all with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the bills of the Senate, and the amendments to the bills of the House requested.

The bill relating to county seminaries, was read the third time, when,

Mr. Gregory moved to recommit it to the committee on education, with instructions to strike out that part which incorporates Seminaries, which motion was determined in the negative.

Mr. Givens then moved to recommit the bill to the committee on education, with instructions to strike out that part which authorizes the trustees "to take not less than six per cent on loans of Seminary money," and,

The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Ewing, Givens, Gregory, Lemon, Lomax, Morgan, M'Kinney and Watts—8.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Graham, Linton, Orr, Pennington, Robb, Sering, Stevens, Whitcomb and Worth,—15.

So said motion was determined in the negative.

Mr. Whitcomb moved to recommit said bill to the committee on education, with instructions to amend the same by striking out the word "legal," in the 9th line of the 8th section, which motion was determined in the negative.

And on the question, shall this bill pass,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Claypool, Depauw, Fletcher, Frisbie, Graham, Linton, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Clendenin, Ewing, Givens, Gregory, Lemon, Lomax, Morgan and Watts—8.

So said bill passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Sering,

The bill to incorporate the town of Madison, was taken up.

Ordered, That said bill pass to a third reading.

The Senate, according to order, resolved themselves into a committee of the whole, on the bill to regulate the mode of summoning and empannelling grand and petit jurors, and after some time spent therein, the President resumed the chair, and Mr. Frisbie reported the same with an amendment, which was read and concurred in by the Senate.

Ordered, That said bill be engrossed for a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has passed engrossed bills of the House, entitled,

An act to republish and continue in force, the several acts and joint resolutions, relative to the permanent seat of Government, and the affairs of the town of Indianapolis.

An act for opening and repairing public roads and highways, in which the concurrence of the Senate is requested.

Said first named bill was read twice and passed to a third reading.

The latter was read twice, and committed to a committee of the whole Senate, and made the order of the day for tomorrow.

The Senate, according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "an act relative to foreign attachment, and after some time spent therein, the President resu-

med the chair, and Mr. Givens reported the same, with amendments, which were read and concurred in generally.

Ordered, That said amendments be engrossed, and with the bill, pass to a third reading.

The Senate according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, an act authorizing the writ of replevin, and after some time spent therein, the President resumed the chair, and Mr. Graham reported the same with an amendment, which was read and concurred in.

Ordered, That said amendment be engrossed, and with the bill pass to a third reading.

And the Senate adjourned.

FRIDAY, JANUARY 14, 1831.

The Senate assembled.

Mr. Linton from the committee on education, made the following report:

MR. PRESIDENT,

The committee on education to whom was referred the report of the President of the Board of Trustees of Indiana College, have had the same under consideration and

Report. That the information embraced in the communication alluded to, presents the College in a light highly creditable to the Trustees and encouraging to the friends of education. An increasing number of students from other states as well as our own, argues favourably to the qualifications and zeal of the Professors, while at the same time it shews a rising confidence at home and abroad in the institution, calculated under the same efficient system of Government to give it in due time a high rank among the literary establishments of the day, and to make it an object not less of interest than of pride to the state.

The committee regret that the heavy drafts of this year upon the state treasury, arising in part from a revision of our statute laws, renders the present session of the General Assembly peculiarly inauspicious to applications for aid except to objects of the most pressing state necessity, and that it is

not within the power of the legislature to contribute to the purchase of a philosophical apparatus for the use of the College under existing circumstances.

The committee ask to be discharged from the further consideration of so much of the report as relates to the purchase of a philosophical apparatus.

Which was read and laid on the table.

Mr. Whitcomb from the select committee to which was referred an engrossed bill from the House of Representatives entitled "an act for the relief of the purchasers of land in the reserve township of land in Monroe county," reported the same with an amendment which was read.

Mr. Stevens moved to amend said amendment, and before the question was taken,

Mr. Watts moved indefinitely to postpone said bill.

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Watts and Worth—17.

Those who voted in the negative, are

Messrs. Depauw, Lemon, Lomax, Stevens and Whitcomb—5.

So said bill with its proposed amendments was indefinitely postponed.

Mr. Lomax from the select committee to which was referred sundry petitions of the citizens of Wayne county, praying a change in the mode of doing county business in said county,

Reported, That they had had the same under their consideration, and that inasmuch as a law has passed the present session of the legislature, prescribing an uniform mode of doing county business throughout the state, a majority of the committee deem it inexpedient to legislate thereon at this time.

They therefore ask to be discharged from the further consideration of the subject.

Which was read and the committee discharged.

Mr. M'Kinney from the committee on revision, reported a bill to organize and regulate the militia of this state, which was twice read, and committed to a committee of the whole Senate and made the order of the day for to-morrow.

The Senate proceeded to consider the orders of the day.

The engrossed bills from the House of Representatives, entitled,

"An act relative to foreign attachment,"

"An act regulating the action of replevin," and

"An act to re-publish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis;" also,

Engrossed bills of the Senate, entitled,

"An engrossed bill to establish the Madison county insurance company."

"An engrossed bill to incorporate the town of Perrysville."

"An engrossed bill to incorporate the town of Madison."

"An engrossed bill to regulate the mode of summoning and empanneling grand and petit jurors,"

Were severally read the third time and passed.

The first and second bills of the House with, and the latter without amendment.

Ordered, That the House of Representatives be informed thereof and their concurrence in the bills of the Senate and the amendments proposed to the bills of the House requested.

On motion of Mr. Graham,

The engrossed bill from the House of Representatives entitled "an act to provide for opening a part and relocating a part of the Mauk's ferry state road, was taken up.

Ordered, That said bill pass to a third reading.

On motion of Mr. Gregory,

The orders of the day were postponed previous to the bill for the relief of the Superintendent of the State prison.

The Senate then resolved themselves into a committee of the whole on said bill, and after some time spent therein, the President resumed the chair, and Mr. Linton reported the same with amendments, which were read and concurred in generally.

Mr. Ewing moved that said bill and accompanying documents be committed to a select committee with instructions to report the precise terms of the contract entered into by Mr. Keigwin, and to remodel the enactments thereof so as to confirm their effect in conformity with the stipulations of said contract.

Which motion was determined in the negative.

And on the question, shall this bill pass to a third reading?

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are,

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts and Whitcomb—19.

Those who voted in the negative, are

Messrs. Ewing, Frisbie and Worth—3.

So said bill passed to a third reading.

The Senate according to order resolved themselves into a committee of the whole on the bill to provide for the appointment of circuit prosecutors and defining their duties, and after some time spent therein, the President resumed the chair, and Mr. Lemon reported the same without amendment.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate again proceeded to the consideration of the bill to provide for the appointment of Circuit prosecutors, and defining their duties,

And on the question, shall this bill pass to a third reading? it was carried in the affirmative.

The Senate according to order resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "an act organizing circuit courts and defining their powers and duties, and after some time spent therein, the President resumed the chair and Mr. Lomax reported the same with amendments, which were read and concurred in generally.

Ordered, That said amendments be engrossed and with the bill, pass to a third reading.

The following communication was received from the Governor by Mr. Forsee, his private Secretary.

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, Jan. 14, 1831. }

HON. MILTON STAPP,
President of the Senate,

SIR:—I herewith transmit to the Senate, some resolutions of the State of Alabama, approbating the adminis-

tration of Andrew Jackson, President of the United States, and recommending his re-election.

Respectfully, I am, Sir,

Your ob't. servant,

J. BROWN RAY.

Which, together with the resolutions, was read, and laid on the table.

A message from the House of Representatives, by Mr. Sheets, their clerk.

MR. PRESIDENT:

The House of Representatives agrees to the amendments proposed by the Senate, to the engrossed bills of the House, entitled as follows:

An act for relief of John Smith, and others.

An act to locate a state road from Connorsville, in Fayette county; to Louisville, in Henry county, and they also agree to the 1st, 2nd, 4th, 5th, 6th and 7th amendments proposed by the Senate, to the engrossed bill of the House, entitled, "an act to regulate descents, distribution and dower, and disagree to the 3d amendment to said bill.

They also agree to the amendment proposed by the Senate, to the engrossed bill of the House, entitled, "an act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county," with amendments, in which the concurrence of the Senate is requested.

The Senate proceeded to consider the 3d amendment proposed by them to the engrossed bill from the House of Representatives, entitled, "an act to regulate descents, distribution and dower, to which the House of Representatives, disagreed,

And on motion, the Senate insisted on said amendment.

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to consider the amendments proposed by the House of Representatives, to the proposed amendments of the Senate, to the engrossed bill from the House of Representatives, entitled, "an act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county, and on motion,

Ordered, That they lie on the table.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills, entitled,

An act organizing the Supreme Court, and defining its powers and duties.

An act authorizing the appointment of Constables, and defining their duties.

An act to vacate part of Water street in the town of Greencastle, and for other purposes.

An act regulating divorces. I am directed to bring them to the Senate, for the signature of their President.

The House has passed engrossed bills of the Senate, of the following titles, to wit:

An act providing for a relocation of a part of the Fort Wayne state road.

An act concerning a certain school section therein named.

An act to provide for electing county and township officers.

An act to provide for a state road from Merom, to some point on the Terre Haute and Bono state road, and,

An act to regulate general elections. The first without, the four last with amendments.

They have also passed engrossed bills of the House, entitled.

An act to raise additional revenue for the county of Ripley.

An act to relocate the county seat of St. Joseph county, and

An act concerning the scrip to be granted to the Michigan road contractors, and for other purposes. In which, and the amendments, as above, the concurrence of the Senate is requested.

The President having signed the bills named in the foregoing message, they were handed to the committee on enrolled bills, to be presented by them to the Governor for his approval and signature.

The Senate proceeded to consider the amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled, "an act concerning a certain school section therein named," and,

On motion, the Senate concurred in said amendments.

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to consider the amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled, "an act to provide for electing county and township officers." Said amendments were severally read and agreed to.

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to consider the amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled, "an act to provide for a state road from Merom, to some point on the Terre Haute, and Bono road."

Said amendments were severally read and agreed to.

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to the consideration of the amendments proposed by the House of Representatives, to the engrossed bill of the Senate entitled,

"An act to regulate general elections."

The 1st, 2d, 3d and 4th, were severally read and agreed to.

The 5th and 6th, were severally read and disagreed to.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled,

"An act to raise additional revenue in the county of Ripley," and

"An act to relocate the county seat of St. Joseph's county," were severally read the first time, and passed to second reading.

The engrossed bills from the House of Representatives, entitled,

"An act concerning the scrip to be granted to the Michigan road contractors and for other purposes," was read twice, and

On motion of Mr. Pennington, referred to the committee on roads.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did, on this day, present to the Governor for his approval and signature, the following enrolled bills, entitled, acts to wit:

An act organizing the Supreme Court and defining its powers and duties.

An act to vacate part of Water street in the town of Greencastle, and for other purposes.

An act regulating divorces, and

An act authorizing the appointment of constables, and defining their duties.

The Senate according to order resolved themselves into a committee of the whole, on the bill regulating the duties and

jurisdiction of justices of the peace, and after some time spent therein, the President resumed the chair, and Mr. Morgan reported progress and asked leave to sit again,

Which leave was granted by the Senate.

And the Senate adjourned.

SATURDAY, JANUARY 15, 1831.

The Senate assembled.

Mr. Worth presented the remonstrance of Thomas McCartney and others, citizens of St. Joseph county, against the relocation of the county seat of said county, which was read, and,

On motion of Mr. Worth, laid on the table.

Mr. Claypool asked and obtained leave of absence until Monday next.

Mr. Linton from the committee on education made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred the petition of Amos Lock, and others, on the subject of "Indiana College," have had the same under consideration, and,

Report, (Mr. Whitcomb dissenting,) That they have given the subject that respectful attention which the number and character of the petitioners demand, and have recurred to the charter of the institution, with a view of ascertaining whether amendments might not be incorporated, calculated to meet their wishes, but after contemplating the relation which the college bears to the State, the guarded provisions of its present charter, its flourishing condition and high estimation in public opinion, the committee cannot suppress a feeling of anxiety that it should be permitted to move forward under its present organization until some more tangible difficulty arises than is submitted by the petitioners; that a board of trustees composed of different religious denominations, under whose immediate supervision, all the interests of the college pass, should be allowed to choose professors in the various departments of science, with a single eye to their literary attainments, and without regard to religious opinions, the commit-

tee believe even the petitioners themselves, upon more mature reflection will concede to be the most eligible organization attainable. To this board too, should be committed the discretion of adopting tuition fees to the exigencies of its pecuniary concerns. Who so competent to judge of expediency in these matters as those whose appropriate business and duty it is to inquire into, investigate and direct all its bearings?—The General Assembly may prescribe certain out lines for its operation, but can never reach its details in minutia, and is therefore disqualified for an intelligent arrangement of terms of admission into the college. The General Assembly would involve themselves in a scene of continual legislation, wholly incompatible with the interests of the State, as well as of the college by taking charge of such details, and cannot in the opinion of the committee consent to entertain the subject.

The constitution of our State in the bill of rights, (3d article,) declares that no human authority can in any case whatever, control or interfere with the rights of conscience, and that no preference shall ever be given by law to any religious societies or modes of worship, and no religious test shall be required as a qualification to any office of trust or profit.—Now what do the petitioners require? It is that all future elections of professors, the trustees shall elect no two of the same subordinate religious sect or persuasions. How this could be effected without a violation of the Constitution under which we live, the committee cannot conceive, it would virtually compel a selection of professors without regard to their qualifications in science, but on the principles of religious tests, and could not fail to bring into disrespect, an institution founded with a sole view to education apart from sectarianism.

In glancing at the charter of the college, the committee find the 10th section of that law conformable in every particular to the constitution, it provides “that no president, professor, or other officer of the college, shall, whilst acting in that capacity be a trustee, nor shall any president, professor, tutor, instructor, or other officer of the college ever be required by the trustees to profess any particular religious opinions and no student shall be denied admission or refused any of the privileges, honors, or degrees of the college on account of the religious opinions he may entertain, nor shall any sectarian tenets or principles be taught, instructed, or inculcated at said college by any president, professor, tutor or instructor thereof.”

The declaration in the constitution against religious tests, and the provisions of the charter of the college on the same subject conspire to meet in the only possible way, the objects of the petitioners, to institute an inquiry into the religious bias of professors, in the departments of science, would at once violate both the constitution and the charter of the college, and cannot, in the opinion of the committee, be indulged.—The college is emphatically a State institution, and in its organization, must conform to the general spirit of our laws, local predilections and prejudices must yield to the common interest of the State; and operate if at all, upon local objects, under private associations.

The college is yet in its infancy—too much legislative nursing may paralyze its energies, obstruct its vigorous growth, and prove its eventual destruction. Institutions of learning bottomed upon private benefactions, managed under regulations suggested by their changing circumstances, have as far as experience exhibits their results, triumphed over those directed by State agency, and are striking illustrations, of the ineligibility of frequent legislation, with a view of promoting their appropriate objects. Perhaps no State institution of its age, has flourished in a higher degree than the college of Indiana; to trammel it now, by unnecessary restrictions, would gradually impair public confidence, lower its estimation in other States, and finally reduce it to an object unworthy and unfit for the grand purpose originally contemplated.

The committee confidently believe that if the college shall be permitted by the Legislature, to rest upon its resources and operate under its present charter, the time is not distant when the petitioners, the Legislature and State, will have abundant cause of congratulation in the existence of a college in Indiana, inferior in moral influence to none in the west.

The committee ask to be discharged from the further consideration of the petition.

Which was read, the committee discharged, and

Ordered, To lie on the table.

Mr. Linton from the committee on education made the following report:

MR. PRESIDENT:

The committee on education to whom was referred the petition of Saml. Sample and others, trustees of the Fayette county Library, have had the same under consideration, and

Report, That the objects of the petitioners are defeated by the passage of a law dispensing with the tax on writs for suits commenced in the circuit courts.

The committee ask to be discharged from the further consideration of the petition.

Which was read and,

On motion, the committee discharged.

Mr. Gregory from the committee on roads to which was referred the engrossed bill from the House of Representatives entitled "An act concerning the scrip to be granted to the Michigan road contractors and for other purposes," reported the same with an amendment, which was read and concurred in.

On motion of Mr. Pennington,

Said bill as amended was committed to a committee of the whole Senate and made the order of the day for Monday next.

Mr. Morgan from the committee on claims to which was referred the petition of George Smith, praying compensation for the apprehension of John T. Lewis, a fugitive from justice,

Reported, That they had had the subject under consideration, and are of opinion that the prayer of the petitioner should not be granted.

Which was read, and,

On motion of Mr. Gregory, laid on the table.

The Senate again resolved themselves into a committee of the whole on the bill regulating the jurisdiction and duties of justices of the peace, and after some time spent therein, the President resumed the chair, and Mr. Morgan reported progress and asked leave to sit again, which was granted by the Senate.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Worth from the joint committee on enrolled bills, reported that they had compared the enrolled with the engrossed bills, entitled

"An act to regulate the mode of doing county business in the several counties in this state,"

"An act defining the duties of Recorders," and

"An act authorising domestic attachment and regulating proceedings thereon,"

And found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bill of the House, entitled "an act to incorporate the Lawrenceburgh Bridge Company;" to the last with an amendment, in which the concurrence of the Senate is requested.

The amendment proposed by the House of Representatives to the third amendment proposed by the Senate to said bill of the House, was considered; and,

On motion of Mr. Watts, the Senate disagreed to said amendment.

Ordered, That the House of Representatives be informed thereof.

The Senate again resolved themselves into a committee of the whole on the bill regulating the jurisdiction and duties of justices of the peace, and after some time spent therein, the President resumed the chair, and Mr. Morgan reported progress and asked leave to sit again, which leave was granted by the Senate.

And the Senate adjourned.

MONDAY, JANUARY 17th, 1831.

The Senate assembled.

Mr. Linton from the committee on education to which was referred a resolution of the Senate and sundry communications from the Secretary of State, acting as Librarian, upon the subject of the State Library, reported the resolution and letters referred to them to the Senate, together with the copies of the letter addressed by the committee of education to His Excellency the Governor, for the use of the Senate.

Mr. Pennington moved that the communication of the Governor in answer to a resolution of the Senate relative to the civil code of Louisiana, and the communication of the Governor accompanying the nominations of Judges of the Supreme Court, be referred to a select committee.

Mr. Robb called for a division of the motion,

And on the question, shall the first named communication be so referred?

The ayes and noes were demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Orr, Pennington, Robb, Sering, Stevens, Watts, Whitcomb and Worth—18.

Those who voted in the negative, are

Messrs. Ewing, Morgan, and M'Kinney—3.

So said motion was carried in the affirmative.

And on the question, shall the communication of the Governor accompanying his nomination of Judges to the Supreme Court, be referred to the same select committee to which was referred the first named communication? it was carried in the affirmative.

The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Orr, Pennington, Sering, Watts, Whitcomb and Worth—16.

Those who voted in the negative, are

Messrs. Ewing, Morgan and Robb—3.

Ordered, That Messrs. Pennington, Watts and Graham be the committee.

On motion of Mr. Givens,

Ordered, That the communication of the Secretary of State with the documents that accompanied it, and a copy of the letter addressed by the committee on education to the Governor in pursuance to a resolution of the Senate, be referred to said select committee.

Mr. Lemon moved that Messrs. Ewing and Morgan be added to said select committee.

Mr. Watts called for a division of the motion.

And on the question, shall Mr. Ewing be added to said committee? it was determined in the negative.

And on the question, shall Mr. Morgan be added to said committee, it was carried in the affirmative.

Mr. Morgan asked to be excused from serving on said committee, which was granted by the Senate.

On motion of Mr. Stevens,

Messrs. Lemon and Linton were added to said committee.

Mr. Lemon asked to be excused from serving on said committee, which was granted by the Senate.

Mr. Ewing moved for adoption the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of providing by law for the exercise of our sovereign state jurisdiction over the inhabitants of the soil comprehended within our state limits, so that subordination to our laws may be enforced in each section of our domain, with leave to report by bill or otherwise.

Which was read and laid on the table.

Mr. Whitcomb offered for adoption the following resolution:

Resolved, That the Senate hereafter, in addition to their present hours of legislative business, will meet at 6 o'clock, P. M. proceed immediately to the orders of the day, and continue in session as long as they may deem necessary.

And on the question, shall this resolution be adopted?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Ewing, Lomax, Robb and Whitcomb—5.

Those who voted in the negative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Morgan, M'Kinney, Orr, Pennington, Sering, Stevens, Watts and Worth—17.

So said motion was determined in the negative.

On motion of Mr. Fletcher,

Resolved, That the Secretary of State be requested to communicate to the Senate, what correspondence, if any, has passed between the executive department of Indiana, and the State of Virginia, relative to the splendid map, lately presented by her Legislature to the State of Indiana.

Mr. Stevens introduced a joint resolution respecting the

printing a certain act therein named, which was read the first time, and,

On motion of Mr. Stevens, the rules were dispensed with, and said bill was read the second and third time, and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

Mr. Gregory introduced a preamble and joint resolution of the State of Indiana, which was twice read.

Mr. Lemoh moved to commit said bill to a committee of the whole Senate, which motion was determined in the negative.

Ordered, That said bill pass to a third reading.

A message from the Governor, by Mr. Forsee, his private Secretary:

MR. PRESIDENT,

I am requested by his Excellency the Governor to inform the Senate, that he has approved, and filed, in the Secretary's office, on this day, an act authorizing the appointment of constables and defining their duties.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the engrossed with the enrolled bills of the following titles, to wit:

An act for the relief of Alpha Frisbie.

An act for the relief of John Smith, and others.

An act to authorize the circuit court, of the county of Posey, to change the venue in a certain case therein named.

An act to locate a state road from Connersville, in Fayette county, to Louisville, in Henry county.

An act providing for a relocation of a part of the Fort Wayne state road.

An act confirming the sale of certain school sections therein named.

An act concerning the Secretary of State. Also,

A joint resolution to improve the navigation of the Wabash and White rivers.

And had found the same truly enrolled.

The Senate proceeded to consider the orders of the day.

The Senate again resolved themselves into a committee of the whole, on the bill regulating the jurisdiction and duties of Justices of the Peace, and after some time spent therein, the President resumed the chair, and Mr. Morgan reported the same with amendments, which were read and concurred in

generally, except the 2d, and on the question, shall this amendment be adopted, it was carried in the affirmative.

Mr. Robb moved to amend said bill, by striking therefrom the twenty fifth section, which reads as follows:

SEC. 25. In all cases instituted, or pending before a Justice, the plaintiff shall, before the issuing of the process, or at least three days previous to the time set for trial, in cases commenced by summons, and in cases commenced by *capias*, in like manner, three days before the time of trial, if the plaintiff shall have been so long notified of such time; otherwise any time before trial, file with the Justice, a concise statement in writing, of his cause of action, or if the nature of the wrong or injury of which he complains, if the same be founded in *tort*; or in actions of contract, the account, note, bond, bill, or other writing, bill of particulars or other statement in writing, of the value of the demand on which he intends to rely; and in like manner, the defendant, if he have any special matter of defence, in actions of *tort*, or any special matter of payment, set off or other affirmative plea, in actions of contract, shall, before trial, file the same or a succinct statement thereof, in writing, and either party may be permitted, by the Justice, to amend his statement before entering into trial, and on the trial, the plaintiff shall not be permitted to give evidence of any cause of action not contained in his statement, nor the defendant to give evidence of any matter of defence, not contained in his statement: and in all cases of appeal from the judgment of any Justice of the Peace, to the Circuit Court, the Justice or Justices shall send up to said court, such written statements of the cause of action and defence of the parties, with the transcript and other papers in the cause; which written statements shall not be set aside by the court, for want of form, but shall be acted upon by the court, without any substantial amendments or alterations whatever.

Mr. Whitcomb moved to amend said section by adding to it the following proviso:

“Provided the defendant shall always have the benefit of the general issue should he wish it without pleading the same, except where the same denies the execution of an instrument in writing, as an assignment of any instrument which is the foundation of the action or defence, in which case, the defendant shall not have the benefit thereof, unless it be verified by his oath or affirmation.”

Which motion was carried in the affirmative.

And the question again recurring upon the motion of Mr. Robb, to strike out said 25th section, as amended,

The ayes and noes were demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Ewing, Givens, Graham, Lemon, Pennington, Robb, and Worth—8.

Those who voted in the negative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Whitcomb—14.

So said motion was determined in the negative.

Mr. Fletcher moved to strike out all that part of the 19th section, of said bill, which comes after the word "cases," in the 13th line of said section, which reads in the following words:

"And no execution shall issue on any such confessed judgment until after the expiration of three months from the time of entering such confessed judgment. And any creditor of the person confessing judgment as aforesaid, may, at any time after such confession of judgment, within said three months or thereafter, before execution issued on such judgment, and after giving the plaintiff, in such judgment, five days previous notice, if within the county, and if out of the county, after filing a written notice of such intended motion, with the Justice before whom such judgment is entered, ten days previous thereto, prove before such Justice, the want of consideration whereon to found such judgment, or that such judgment was confessed with a view or design to defraud some creditor of his just demand, and in that case, such judgment so as aforesaid confessed, shall be of no validity or effect in law or equity, so far as regards strangers thereto, and the defendant in such fraudulently confessed judgment, as well as the plaintiff therein, if privy and consenting thereto, shall each, upon conviction thereof, by presentment or indictment, in the proper circuit court, be fined in any sum not exceeding the amount of such fraudulent judgment, besides costs of prosecution.

Which motion was carried in the affirmative.

Said bill was then ordered to be engrossed for a third reading.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The engrossed bill from the House of Representatives, entitled, "an act to relocate the county seat of St. Joseph county," was read the second time, when,

On motion of Mr. Worth, said bill was referred to a select committee.

Ordered, That Messrs. Worth, Blair and Sering, be the committee.

On motion of Mr. Worth, the remonstrance of Thomas M^r. Cartney, and others, citizens of St. Joseph county, against the relocation of the county seat of said county, was taken up, and referred to the last named select committee.

The engrossed bill from the House of Representatives, entitled,

An act to provide for opening a part and relocating a part of the Mauk's ferry state road.

The engrossed bills of the Senate, entitled,

An engrossed bill for the relief of the superintendent of the state prison.

An engrossed bill to incorporate the Shelby county seminary.

An engrossed bill to provide for the appointment of circuit prosecutors, and defining their duty,

Were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the bills of the Senate, requested.

The engrossed bill from the House of Representatives, entitled,

"An act organising Circuit Courts and defining their powers," was read the third time.

Mr. Fletcher moved to commit said bill to a select committee, with the following instructions, to wit:

To amend the 12th section thereof, so that before the judge shall recall any execution which is not defective on its face, the defendant or defendants praying for such suspension of the execution, shall first give bond and security to the plaintiff or plaintiffs for the amount of the property levied upon by virtue of said execution to the acceptance of the judge.

Which motion was determined in the negative.

Ordered, That said bill pass, and that the House of Repre-

representatives be informed thereof, and their concurrence to the proposed amendments requested.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, entitled,

"An act concerning the Secretary of State."

"An act to locate a state road from Connorsville in Fayette county, to Louisville in Henry county."

"An act providing for a relocation of a part of the Fort Wayne state road."

"An act confirming the sale of certain school sections therein named."

"An act for the relief of John Smith and others."

"An act to authorize the Circuit Court of the county of Posey to change the venue in a certain case therein named."

"An act for the relief of Alpha Frisbie."

"An act defining the duties of Recorder."

"An act authorising Domestic Attachment and regulating proceedings thereon."

"An act to regulate the mode of doing county business in the several counties in this State."

"A joint resolution to improve the navigation of the Wabash and White rivers."

I am directed to bring them to the Senate, for the signature of their President.

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act relative to foreign attachment," and

"An act regulating the action of Replevin."

The House recedes from the amendments proposed by them to the engrossed bill of the Senate, entitled,

"An act to provide for electing county and township officers."

And also from the 5th and 6th amendments proposed by them to the Senate's bill, entitled.

"An act to regulate general elections."

They have also, receded from the amendments proposed by them, to the amendment made by the Senate to the engrossed bill of the House, entitled,

"An act to incorporate the Lawrenceburgh bridge company."

The House insist upon their disagreement to the 3d amendment proposed by the Senate to the engrossed bill of the House entitled,

"An act to regulate descents, distribution and dower."

The House has passed, without amendment, engrossed bills of the Senate, entitled,

"An act to incorporate the town of Madison," and

"An act to incorporate the Madison Insurance Company."

They have also passed, engrossed bills &c. of the House, entitled,

"An act to establish and relocate a part of the Madison state road."

"An act relative to the borough of Vincennes."

"An act to establish and regulate ferries," and

"A memorial and joint resolution for the relief of John Kimberlin."

In which bills, &c. of the House, the concurrence of the Senate is requested.

The enrolled bills named in said message, were signed by the President, and handed to the committee on enrolled bills, to be presented by them to the Governor for his approval and signature.

The Senate proceeded to consider the third amendment proposed by them, to the engrossed bill from the House, entitled,

"An act regulating descent, distribution and dower," to which amendment the House continue to insist upon their disagreement.

Mr. Graham moved that the Senate continue to insist upon said proposed amendment, and that a committee of free conference be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House, to take into consideration the disagreeing vote of the two Houses on said amendment, which was carried in the affirmative.

Ordered, That Messrs. Graham and Depauw be the committee, on the part of the Senate.

The engrossed bill from the House of Representatives entitled,

"An act to establish and relocate a part of the Madison state road," and

The engrossed memorial and joint resolution for the relief

of John Kimberlin, were severally read the first time, and passed to a second reading.

The engrossed bill from the House of Representatives entitled,

"An act relative to the borough of Vincennes," was twice read, and

On motion of Mr. Ewing, referred to a select committee.

Ordered, That Messrs. Ewing, Linton and M'Kinney be the committee.

The engrossed bill from the House of Representatives entitled,

"An act to establish and regulate ferries," was twice read and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The President laid before the Senate the following communication from the Secretary of State.

SECRETARY'S OFFICE, }
Jan. 17, 1831. }

HON. MILTON STAPP,

President of the Senate:

SIR—A resolution of the Senate requesting the Secretary of State to "communicate to the Senate what correspondence, if any, has passed between the Executive Department of the State of Indiana, and the State of Virginia, relative to the splendid map lately presented by her Legislature to the State of Indiana," is before me, and in answer to the call, I can only say, I am possessed of no information on the subject.—The map alluded to, was deposited in this office by Gov. Ray, on the 15th January, 1830, and the fact was reported to the Senate on the same day.—See Journal of 1829 and '30, page 273.

I am respectfully, &c.

JAMES MORRISON.

The Senate according to order resolved themselves into a committee of the whole on the bill for the relief of insolvent debtors, and after some time spent therein, the President resumed the chair, and Mr. M'Kinney reported the same with amendments, which were concurred in generally.

Mr. Whitcomb moved to amend said resolution by adding to the 9th section thereof, the following proviso, to wit:

"*Provided*, That on the petition or application in writing of any person interested within the time last aforesaid, setting forth any such fraudulent conduct in this section mentioned,

such court shall proceed, ten days written notice thereof having been given to the debtor, to examine into the same, and on the request of either party a jury shall be empannelled to try the matters in said petition contained; and if they find any instance of fraud as therein mentioned, the court shall give judgment making null and void such discharge of the debtor's person from execution as aforesaid."

And on the question, shall this amendment be adopted?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M^r. Kinney, Orr, Pennington, Robb, Stevens, and Whitcomb—18.

Those who voted in the negative, are

Messrs. Frisbie, Sering, Watts and Worth—4.

So said amendment was adopted.

Mr. Fletcher from the joint committee on enrolled bills now reported, that they did on this day present to the Governor for his approval and signature the following enrolled bills and joint resolution, to wit:

"An act to regulate the mode of doing county business in the several counties in this state,"

"An act authorising domestic attachment and regulating proceedings thereon,"

"An act defining the duties of Recorders,"

"An act for the relief of Alpha Frisbie,"

"An act authorizing the circuit court of the county of Posey to change the venue in a certain case therein named."

"An act for the relief of John Smith and others."

An act confirming the sale of certain school sections therein named.

An act providing for a relocation of a part of the Fort Wayne state road.

An act to locate a state road from Connersville, in Fayette county, to Louisville, in Henry county, and

An act concerning the Secretary of State.

A joint resolution, to improve the navigation of the Wabash and White rivers.

On motion of Mr. Worth, the engrossed bill from the House of Representatives, entitled, "an act for the relocation of the county

seat of Elkhart county, was taken up, and referred to the same select committee, to which was referred the engrossed bill from the House of Representatives, entitled an act for the relocation of the county seat of St. Joseph county.

And the Senate adjourned.

TUESDAY, JANUARY 18th, 1831.

The Senate assembled.

Mr. Gregory, from the committee on roads, to which was referred a bill, to locate and establish a state road from Corydon, in Harrison county, to Petersburg, in Pike county,

Reported, That the committee had directed him to report the same to the Senate, with an amendment, by which \$306 are appropriated out of the 3 per cent fund, to improve so much of the road, as runs through the county of Dubois, and for building a bridge over Patoki river, which was read and,

On motion of Mr. Linton, laid on the table.

Mr. Ewing, from the committee on canals and internal improvements, made the following report, viz:

MR. PRESIDENT,

The committee on canals and internal improvements, to whom was referred a resolution directing an inquiry on the expediency and practicability of improving the navigation of the Wabash river, by a canal to commence thirty six miles above the confluence of said river with the Ohio, and to terminate on the Ohio, about fourteen miles above the said confluence, the distance between the points named only five miles, have had the subject under consideration, and

Report, That the State is destitute of means to devote to the object of improvement suggested, and as the country between the points mentioned, must be examined and surveyed, to enable the Legislature to form a correct judgment, it is not conceived necessary to burthen this report with many inquiries in detail.

An examination and survey of the Wabash river, was made under the authority of Congress, in the year 1829, and some unprecedented causes have heretofore interposed, to delay the report of the officer under whom it was made. With a

fixed desire to improve this important river, the General Assembly have importuned Congress for aid, and as it is a reserved public highway, success is expected. There is, it is true, a small fund derived from portions of the three per cent fund, accruing to several counties on the margin of the Wabash, set apart for its improvement, but the country through which this canal is desired, has, up to this time, pursued a very different policy. The counties alluded to, whose liberal patriotism erected the fund, cannot under such existing circumstances, be expected to view a connection of the Wabash with the Ohio, at the point mentioned, as of any present importance to them, and would not devote their means to effect it. They seem to entertain a firm belief, that if the obstructions in the channel, near to Coffee Island, the mouth of White river, and from thence, to what is termed the upper ripple, were all removed the navigation of the Wabash, for steam boats, from the Ohio to Tippecanoe, would be as long, during each year, as the Ohio now affords. But the day is not distant, when the increased trade of the Wabash, induced by an outlet to the Lakes, will render a connection with the Ohio, at the point mentioned, or some other point east of their natural junction, a matter of deep interest to the State. The construction of the Wabash and Erie canal, will not fail to carry all minor works after it, and to increase its own profit, a moiety of its income must be appropriated to construct them. All operations to improve the Wabash river, must be founded upon provisions for canalling and locking round the chief falls—removing beds of gravel and snags, from the channel, and building dams, slopes and sluices: and the improvement of this, and other streams passing through the interior of the country, where an outlet of the Ohio now exists, is of the first importance. In pursuing this course, a water communication might, in a few years, be extended throughout the State; and if there now existed funds to commence it, ample consolation for the cost would be found in the durable prosperity it would create.—The short canal pointed to, is no doubt of great local interest at present, and its construction would be so profitable, when the Wabash navigation be extended to the Lakes, that a company may readily be found, ready to construct it, to avail themselves of the tolls the other work must entice. But your committee would lament the State loss, if any outlet of that public highway, were to become individual property—indeed the idea is unadmissible in every point of view. To improve and extend our navigation, money is indispensable, and the evi-

dent inability of our own finances at present, leads to dependence upon the United States for aid, which will be extended to open new avenues to their trade, as well as to our own.—Our present dependence is thought not to be misplaced, nor happily for us, can it be of long duration. Every citizen must rejoice when the power and functions of government are devoted to their only legitimate end—the benefit of the public—and the only aid we ask, is, to advance this object. It is not believed that the Representatives of the United States, whose constituents share all the benefits we enjoy, will long refuse aid to improve our navigation or leave the expense to Indiana, whose inhabitants have so long contributed to enrich the national treasury. No, the time approaches when the Government of the Union will freely co-operate with us, by granting public lands near to all reserved “public highways,” to accomplish their improvements. The general advantage of such a policy, both in peace and in war, are incalculable—a safe and cheap route from New Orleans, to New York, and increased value to the public land near to this route, are objects too interesting to be long gainsaid. Your committee cannot doubt but that the aid asked for the Wabash, will be granted by Congress, and confiding in the result, to provide for the subject matter of the resolution, ask to be discharged from the further consideration thereof.

Which was read and the committee discharged.

Mr. Orr, from the select committee, to which was referred an engrossed bill from the House of Representatives, entitled, “an act to relocate a part of the state road from Indianapolis, by way of Danville to Montezuma, reported the same without amendment.

And on motion of Mr. Orr, said bill was indefinitely postponed.

The Senate proceeded to consider the orders of the day.

Mr. Ewing moved to postpone the orders of the day, preceding the bill supplemental to “an act for the construction of the Wabash and Erie canal.”

Which motion was determined in the negative.

The engrossed bill from the House of Representatives, entitled, “an act to establish and relocate a part of the Madison state road, was read the second time.”

Mr. Watts moved that said bill be committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Which was determined in the negative.

Ordered, That said bill pass to a third reading.

The engrossed memorial and joint resolution, for the relief of John Kimberlin, was read the second time.

Mr. Graham moved to amend said memorial and joint resolution, as follows:

"In the 34th line of the preamble, after the words 'to pay,' insert 'her.' "

Which was determined in the affirmative.

Mr. Graham moved further to amend said memorial, by inserting after the word "citizens," in the 34th line, "taken."

Which was carried in the affirmative.

Mr. Graham moved further to amend said memorial, by striking out all from the word "country," in the 37th line of the preamble, to the word "therefore," in the 42d line, and insert the following:

"Although said Kimberlin has never, until now, presented his claims, to the consideration of Government, yet, it is believed they are valid, and that his failure to bring them forward whilst in the enjoyment of health and strength, instead of prejudicing the same, should, with a just and magnanimous government operate strongly in his favor, and strengthen the disposition to grant him redress."

Which motion was carried in the affirmative.

Mr. Ewing moved to indefinitely postpone said memorial and joint resolution,

The ayes and noes being required by two Senators.

Those who voted in the affirmative, are

Messrs. Claypool, Ewing and Watts—3.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Stevens and Worth—18.

So said memorial was not indefinitely postponed.

Mr. Depauw moved further to amend said memorial, by striking out these words, "State of Kentucky," in the 4th line thereof, and inserting these words, "neighbouring settlements," which was carried in the affirmative.

Ordered, That the amendments to said memorial, be engrossed, and with it, read a third time.

The engrossed bill from the House of Representatives, entitled "an act to raise additional revenue for the county of Ripley," was read the third time, and passed, without amendment.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives agree to the amendments proposed by the Senate to engrossed bills of the House, entitled,

"An act to provide for the appointment of Circuit Prosecutor and defining his duties," and

"An act organizing Circuit Courts and defining their powers and duties."

They have appointed Messrs. Dumont and Hillis a committee of free conference on the part of the House, to take into consideration the disagreeing votes of the two Houses, on the third amendment proposed by the Senate to the engrossed bill of the House of Representatives entitled "an act to regulate descents, distribution and dower."

The House has passed without amendment the engrossed bill of the Senate, entitled, "an act to incorporate the Shelby county Seminary."

They have also agreed to the amendment proposed by the Senate to the engrossed bill of the House, entitled, "an act to establish a state road from Richmond in Wayne county to Fort Wayne in Allen county," with an amendment, in which the concurrence of the Senate is requested.

Said amendment was considered and agreed to by the Senate.

Ordered, That the House of Representatives be informed thereof.

The bill for the relief of insolvent debtors was read the third time, when

Mr. Lomax moved to re-commit said bill to a select committee with instructions so to amend the same as to make the security of the petitioner responsible for property held by execution or owned by the petitioner at the time that superse-deas may be granted. *Provided*, That the petitioner withdraws his petition, or the circuit court fails to extend the bene-

fit of this act to such petitioner, which was determined in the affirmative.

Ordered, That Messrs. Graham, Lomax and Whitcomb be the committee.

The preamble and joint resolution of the General Assembly of the State of Indiana was read the third time, when

Mr. Whitcomb moved to refer it to a select committee, which motion was determined in the negative.

And on the question, shall said preamble and joint resolution pass?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Graham, Gregory, Linton, Lomax, Morgan, McKinney, Orr, Pennington, Robb, Sering, Stevens, Watts, Whitcomb and Worth—21.

Those who voted in the negative, are

Messrs. Givens and Lemon—2.

So said preamble and joint resolution passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Robb moved to re-consider the vote on the passage of the preamble and joint resolution of the General Assembly of the state of Indiana, which was determined in the negative.

The Senate according to order resolved themselves into a committee of the whole on the bill of the Senate apportioning Senators and Representatives in the several counties and districts in this state, and

The engrossed bill from the House of Representatives for the apportionment of Senators and Representatives to the General Assembly; and after some time spent therein, the President resumed the chair, and Mr. Orr reported the same with sundry amendments, which were severally read, and the first and second amendments were agreed to by the Senate.

And on the question, will the Senate concur in the third amendment made in committee of the whole, which is as follows:

"Insert Randolph among the counties entitled to one Representative each,"—also, strike out Randolph, Delaware, &c. and insert the following: "the county of Delaware and all the territory north of Delaware and Madison to the Wabash river, one Representative,"—and,

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens, Watts, and Worth—18.

Those who voted in the negative, are

Messrs. Frisbie, Givens, Pennington, Robb and Whitcomb—5.

So said amendment was concurred in by the Senate.

And on the question, will the Senate concur in the fourth amendment made in committee of the whole, which reads as follows:

"And an additional Representative to the county of Washington."

The ayes and noes were demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, Orr, Pennington, Sering, Stevens and Watts—13.

Those who voted in the negative, are

Messrs. Blair, Claypool, Frisbie, Linton, Morgan, M'Kinney, Robb, Whitcomb and Worth—9.

So said amendment was concurred in.

And on the question, will the Senate concur in the fifth amendment, made in committee of the whole, which is as follows:

"The counties of Orange and Lawrence each two Representatives."

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, Orr, Pennington, Stevens, Watts and Whitcomb—14.

Those who voted in the negative, are

Messrs. Blair, Claypool, Frisbie, Linton, Morgan, M'Kinney, Robb, Sering and Worth—9.

So said amendment was concurred in by the Senate.

And on the question, will the Senate concur in the sixth amendment made in committee of the whole, which reads as follows:

“And the county of Monroe as one district and the counties of Green and Owen as another district, shall have an additional Representative to be elected alternately, commencing with the county of Monroe.”

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Orr, Pennington, Stevens, Watts and Whitcomb—15.

Those who voted in the negative, are

Messrs. Claypool, Linton, Lomax, Morgan, M'Kinney, Robb, Sering and Worth—8.

So said amendment was concurred in by the Senate.

And on the question, will the Senate concur in the 7th amendment made in committee of the whole, which is as follows:

“Add an additional member to the county of Marion.”

The ayes and noes were demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Givens, Gregory, Lemon, Orr, Stevens, Whitcomb and Worth—12.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Graham, Linton, Lomax, Morgan; M'Kinney, Pennington, Robb, Sering and Watts—11.

So said amendment was concurred in by the Senate.

The 8th and 9th amendments made in committee of the whole, were then severally read and concurred in by the Senate.

Mr. Gregory moved further to amend said bill as follows:

"The counties of Shelby and Decatur, shall be entitled to one additional Representative, to be elected alternately, commencing with the county of Shelby.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are;

Messrs. Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Orr and Stevens—12:

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Linton, M'Kinney, Pennington, Robb, Sering, Watts, Whitcomb and Worth—11.

So said motion was carried in the affirmative.

Mr. Givens moved further to amend said bill, by adding an additional representative to the county of Posey, and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Pennington, and Watts—8.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Linton, Lomax, Morgan, M'Kinney, Orr, Robb, Sering, Stevens, Whitcomb and Worth—15.

So said motion was determined in the negative.

Mr. Givens moved further to amend said bill, by striking out one representative from the county of Knox,

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Robb and Whitcomb—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Sering, Stevens, Watts and Worth—16.

So said motion was determined in the negative.

Mr. Lemon moved further to amend said bill, by adding an additional Representative from the county of Floyd.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Frisbie, Givens, Graham, Gregory, Lemon, Morgan, Pennington and Watts—8.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Linton, Lomax, M'Kinney, Orr, Robb, Sering, Stevens and Whitcomb—15.

So said motion was determined in the negative.

Mr. Clendenin moved further to amend said bill, by striking out one Representative from the county of Clark, and inserting the following:

“And the counties of Floyd and Clark, one additional Representative, to be elected alternately, commencing with the county of Floyd.”

Mr. Lemon moved to amend said amendment, so as to commence with Clark, which was carried in the affirmative.

And on the question, shall said amendment, as amended, be adopted, it was carried in the affirmative.

Mr. Whitcomb moved to re-consider the vote, giving Marion county an additional Representative.

And on the question, shall this vote be reconsidered?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Graham, Lemon, Lomax, Morgan, McKinney, Pennington, Robb, Sering and Whitcomb—10.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Gregory, Linton, Orr, Stevens, Watts and Worth—13.

So said vote was not reconsidered.

Mr. Watts moved to commit said bill to the select committee on apportionment of Senators and Representatives to the General Assembly, with instructions to report a bill apportioning the Senators and Representatives, at the following ratio, to wit:

For a Senator, 1500 votes.

For a Representative, 1200.

Mr. Claypool moved to amend said instructions, by fixing the ratio for a Representative at 1300 votes, which motion was determined in the negative.

Mr. Robb moved to amend said instructions, by fixing the ratio for a Representative, at 1000 votes, which was determined in the negative.

Mr. Graham then moved to lay said bill on the table,

And before the question was taken,

The Senate adjourned.

WEDNESDAY, JANUARY 19, 1831.

The Senate assembled.

Mr. Ewing from the select committee to which was referred an engrossed bill from the House of Representatives entitled,

“An act relative to the borough of Vincennes,” reported the same with amendments, which were severally read and concurred in.

Ordered, That said amendments be engrossed and with the bill read a third time.

The Senate proceeded to consider the orders of the day.

The Senate resumed the consideration of the bill of the Senate, apportioning Senators and Representatives to the several counties and districts in the State, and

The engrossed bill from the House of Representatives entitled,

“An act for the apportionment of Senators and Representatives to the General Assembly.”

Mr. Graham with the leave of his second withdrew his motion to lay said bill on the table.

The question then recurring upon the motion of Mr. Watts, to commit the bill with instructions to fix the ratio for a Senator at 2500 votes, and for a Representative at 1200 votes, when,

Mr. Robb moved to amend said instructions by fixing the ratio for a Representative at 1000 votes.

Which motion was determined in the negative.

Mr. Whitcomb moved to amend said instructions, by striking the words subsequent to, and including the word “apportioning,” and inserting the words “so apportioning the representation, that there shall not be more than 27 Senators and 69 Representatives.”

And on the question shall the instruction be so amended,

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Frisbie, Givens, Graham, Lemon, Pennington, Robb and Whitcomb—10.

Those who voted in the negative, are

Messrs. Blair, Depauw, Fletcher, Gregory, Linton, Lomax, Morgan, M’Kinney, Orr, Sering, Stevens, Watts and Worth—13.

So said instructions were not so amended.

And on the question, shall said bill be re-committed with said instructions,

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Frisbie, Givens, Lemon, Pennington, Robb, Watts and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Fletcher, Graham, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens and Worth—12.

So said bill was not re-committed.

Mr. Orr moved further to amend said bill as follows: "That the counties of Carroll, Cass, Elkhart and St. Joseph, and all the territory north of Carroll and Cass, to the State line, shall be entitled to one Senator, and that the counties of St. Joseph, Elkhart and all the territory lying between said counties and the counties of Carroll and Cass, one Representative",

And before the question was taken,

Mr. Pennington moved to re-commit said bill with instructions so to amend the same that there shall be one Senator for every 2600 polls, and one Representative for every 1000 polls, or as near that ratio as possible.

And the ayes and noes being demanded thereon by two Senators.

Those who voted in the affirmative, are

Messrs. Ewing, Frisbie, Lemon, Pennington, Robb and Whitcomb—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Worth—17.

So said motion was determined in the negative.

And the question recurring upon the adoption of the amendment proposed by Mr. Orr,

The ayes and noes being demanded thereon by two Senators.

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Morgan, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—13.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Lomax, Pennington and Robb—10.

So said amendment was adopted.

Mr. Graham moved to re-commit the bill to a select committee with instructions to amend the same so as to fix the ratio for a Representative at 900 polls, and for a Senator at 2300 polls.

And on the question, shall said bill be so re-committed,
The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Frisbie Givens, Graham, Lemon, Pennington, Robb and Whitcomb—7.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Worth—16.

So said bill was re-committed.

Mr. Orr moved further to amend said bill as follows, to wit:
"The counties of Carroll, Cass, St. Joseph, Elkhart and all the territory north of Carroll and Cass, one Senator; St. Joseph, Elkhart and all the territory north of Carroll and Cass, one Representative; also strike out from the Senatorial District composed of the counties of Tippecanoe, Carroll and Cass, the counties of Carroll and Cass, and insert after the word "Tippecanoe," these words, "and all the territory north of Tippecanoe; and north of the territory attached to Warren to the State line, one Senator.

And on the question shall said amendment be adopted,

It was carried in the affirmative.

Mr. Givens moved further to amend said bill as follows:

"That the counties of Posey, Vanderburgh and Warrick, have an additional Representative alternately, commencing with the county of Posey—Vanderburgh and Warrick voting together as one Representative district."

And on the question, shall the bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Ewing, Fletcher, Frisbie, Givens, Gra-

ham, Gregory, Lemon, M'Kinney, Watts and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Stevens and Worth.—12.

So said amendment was not concurred in.

Mr. Morgan moved further to amend said bill by striking out the second section thereof, and inserting in lieu thereof, the following, with the addition of allowing Hamilton, Madison and Hancock one Representative, to wit:

Section 2. And for the purpose of electing Representatives to the General Assembly of the state of Indiana, the state shall be divided as follows, to wit:—

The counties of Dearborn and Wayne shall each be entitled to three Representatives.

The counties of Jefferson, Clark, Harrison, Washington, Franklin, Rush, Putnam, Fountain and Tippecanoe, each two Representatives.

The counties of Decatur, Shelby, Jackson, Johnson, Marion, Morgan, Monroe, Henry, Ripley, Switzerland, Jennings, Bartholomew, Scott, Crawford, Floyd, Posey, Gibson, Sullivan, Vigo, Green, Owen, Vermillion and Warren, each one Representative.

The counties of Clay and Parke, two Representatives.

The counties of Carroll and Cass, and all the country attached to Carroll, one Representative:

The counties of Montgomery and Clinton, two Representatives.

The counties of Warrick and Vanderburgh, one Representative.

The counties of Spencer and Perry, one Representative.

The counties of Pike and Dubois, one Representative.

The counties of Hendricks and Boon, one Representative.

The counties of Allen, Elkhart and St. Joseph, one Representative.

The counties of Randolph and Delaware, one Representative.

The counties of Fayette and Union, each one Representative, and one additional Representative to be elected each year alternately by one of said counties, commencing with the county of Union.

The counties of Orange and Lawrence, each one Representative, and one additional Representative to be elected each

year alternately by one of said counties, commencing with the county of Lawrence.

The counties of Daviess and Martin one Representative, and the county of Knox one Representative, and one additional Representative to be elected each year alternately by one of said districts, commencing with the counties of Daviess and Martin.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Lemon, Morgan, Pennington, Robb and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Gregory, Linton, Lomax, M'Kinney, Orr, Sering, Stevens, Watts and Worth—12.

So said motion was determined in the negative.

Mr. Pennington moved that the bill be referred to a select committee with instructions to report the same with, or without, amendments.

And on the question, shall said bill be so referred?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Frisbie, Givens, Graham, Lemon, Pennington, Robb, and Whitcomb—8.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Worth—15.

So said motion was determined in the negative.

Mr. Graham moved further to amend said bill as follows:

"The counties of Jefferson and Jennings, one district.

The counties of Jackson, Scott and Bartholomew, one district."

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Pennington, Robb, Watts and Whitcomb—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens and Worth—13.

So said motion was determined in the negative.

Mr. Givens moved to re-consider the vote allowing to Washington county an additional Representative.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Claypool, Frisbie, Givens, Graham, Pennington, Robb, Watts and Whitcomb—9.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Ewing, Fletcher, Gregory, Lemon, Linton, Lomax, M'Kinney, Orr, Sering, Stevens and Worth—13.

So said motion was determined in the negative.

Mr. Lemon moved to re-commit said bill with instructions to report the same with a ratio for Senator not less than 2800, and for a Representative not less than 1100 polls.

And on the question, shall the bill be so re-committed.

The ayes and noes were demanded by two Senators;

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Givens, Lemon, Pennington, Robb, Watts and Whitcomb—10.

Those who voted in the negative, are

Messrs. Clendenin, Fletcher, Graham, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens and Worth—12.

So said motion was determined in the negative.

And on the question shall the bill as amended be engrossed for a third reading,

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Depauw, Ewing, Fletcher, Gregory, Linton, Lomax, M'Kinney, Orr, Sering, Stevens and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Frisbie, Givens, Graham, Lemon, Morgan, Pennington, Robb, Watts and Whitcomb—12.

So said amendments were not ordered to be engrossed.

The Senate then proceeded to consider the bill of the Senate, apportioning the Senators and Representatives to the several counties and districts in this State.

Mr. Lomax moved to re-commit said bill to a select committee with instructions to amend the same so as to fix the ratio for a Senator at 2600 polls, and for a Representative 1000 polls.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Depauw, Ewing, Lemon, Lomax, Pennington, Whitcomb and Worth—8.

Those who voted in the negative, are—

Messrs. Blair, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Morgan, M'Kinney, Orr, Robb, Sering, Stevens and Watts—15.

So said motion was determined in the negative.

Mr. Fletcher moved, to amend said bill by striking out Hamilton from the Representative district to which it is attached, and to make Hamilton and Poone and all the country north, to the Great Miami Reservation, one Representative.

And on the question shall the bill be so amended.

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Ewing, Fletcher, Gregory, Linton, M'Kinney, Orr, Robb, Sering, Stevens and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Lomax, Morgan, Pennington, Watts and Whitcomb—12.

So said motion was determined in the negative.

Mr. Robb moved to lay said bill upon the table.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Linton, Lomax, M'Kinney, Orr, Sering, Stevens and Worth—12.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Morgan, Pennington, Robb, Watts, and Whitcomb—11.

So said bill was laid on the table.

Mr. Blair moved to re-consider the vote refusing to engross the amendments made to the engrossed bill from the House of Representatives, entitled, "an act for the apportionment of Senators and Representatives to the General Assembly:"

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Lomax, M'Kinney, Orr, Sering, Stevens and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Morgan, Pennington, Robb, Watts and Whitcomb—12.

So said motion was determined in the negative.

On motion of Mr. Robb the bill of the Senate apportioning Senators and Representatives in the several counties and districts in this State, was taken up.

Mr. Gregory moved to amend said bill by striking the same out from the enacting clause and inserting the following, viz:

That for the purpose of electing Senators to the General Assembly of this State, for the next five years ensuing, the State shall be divided into districts as follows, to wit:

The counties of Posey, Vanderburgh and Warrick shall form one district, and shall be entitled to one Senator.

The counties of Gibson, Pike and Dubois, one Senator.

The counties of Spencer, Perry and Crawford, one Senator.

The counties of Knox, Daviess and Martin, one Senator.

The county of Harrison, one Senator.

The county of Washington, one Senator.

The counties of Monroe, Green and Owen, one Senator.

The counties of Morgan, Hendricks and Boone, one Senator.

The counties of Tippecanoe, Carroll and Cass, one Senator.

The counties of Montgomery and Clinton, one Senator.

The counties of Orange and Lawrence, one Senator.

The counties of Vermillion and Warren, one Senator.

The counties of Randolph, Delaware, Allen, Elkhart, and St. Joseph, one Senator.

The counties of Henry, Madison and Hancock, one Senator.

The counties of Marion, Hamilton, and all the country north to the great Miami reservation, one Senator.

The county of Fountain, one Senator.

The counties of Johnson and Bartholomew, one Senator.

The counties of Jennings, Jackson and Scott, one Senator.

The counties of Clark and Floyd, one Senator.

The county of Jefferson, one Senator.

The counties of Switzerland and Ripley, one Senator.

The counties of Shelby and Decatur, one Senator.

The county of Dearborn, one Senator.

The county of Franklin, one Senator.

The counties of Union and Fayette, one Senator.

The county of Wayne, one Senator.

The county of Rush, one Senator.

The county of Putnam, one Senator.

The counties of Sullivan, Vigo and Clay, one Senator.

The county of Parke, one Senator.

Sec. 2. That for the purpose of electing Representatives for the next five years ensuing, the county of Wayne shall be entitled to four Representatives.

The county of Dearborn, three Representatives.

The counties of Washington, Jefferson, Rush, Orange, Lawrence, Harrison, Putnam, Fountain, Tippecanoe, Franklin, Union, Fayette and Clark, shall each be entitled to two Representatives.

The counties of Posey, Gibson, Crawford, Green, Owen,

Monroe, Sullivan, Vermillion, Warren, Switzerland, Ripley, Jennings, Scott, Floyd, Clay, Johnson, Morgan, Hendricks, Shelby, Decatur, Henry, Marion, Randolph, Bartholomew, Vigo and Jackson, shall each be entitled to one Representative.

The counties of Vanderburgh and Warrick, one Representative.

The counties of Perry and Spencer, one Representative.

The counties of Pike and Dubois, one Representative.

The county of Knox, one Representative.

The counties of Daviess and Martin, one Representative.

The counties of Montgomery and Clinton, two Representatives.

The counties of Cass and Carroll, one Representative.

The counties of Hamilton and Boon, and all the country north to the great Miami reservation, one Representative.

The counties of Madison and Hancock, one Representative.

The counties of Allen, Elkhart and St. Joseph, one Representative.

The county of Delaware and all the territory attached thereto, one Representative.

The county of Parke, two Representatives.

The counties of Clark and Floyd shall be entitled to one additional Representative to be elected each year alternately, commencing with the county of Floyd.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, entitled,

An act to provide for a state road from Merom, in Sullivan county, to some point on the Terre Haute and Bono state road, and for other purposes.

An act to provide for opening a part, and relocating a part of the Mauk's ferry state road.

An act regulating the action of replevin.

An act relative to foreign attachment,

An act concerning clerks, and,

An act to provide for the appointment of circuit prosecutor, and defining his duties.

I am directed to bring them to the Senate, for the signature of their President.

The House of Representatives has passed engrossed bills of the Senate, entitled,

An act regulating the practice in suits at law.

An act to incorporate the town of Perrysville, and,

An act providing for the construction of a bridge over Mill creek, in Owen county.

The first with, the two last without amendment.

They have also passed engrossed bills of the House, entitled as follows, to wit:

An act for the relief of David Buchanan, security of Joseph C. Reed, deceased.

An act for the benefit of the widow and heirs of Caleb Sheldy, deceased.

An act to establish a state road from William Connelly's, in Lawrence county, to Greencastle, in Putnam county.

An act for the appropriation of money, to aid in building a bridge across Eel river," and,

An act legalizing the proceedings of certain Trustees therein named.

In which, and the amendments, to Senate's bill, as above, the concurrence of the Senate, is requested.

The enrolled bills named in the above message, having been signed by the President, were handed to the committee on enrolled bills, to be presented by them, to the Governor, for his approval and signature.

The amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled, "an act regulating the practice in suits at law," were severally read and agreed to.

Ordered, That the House of Representatives be informed thereof.

The bills of the House of Representatives named in the above message, were severally read the first time and passed to a second reading.

A message from the Governor, by Mr. Forsee, his private Secretary:

MR. PRESIDENT:

I am requested by his Excellency, the Governor, to inform

the Senate, that he has, on this day, approved and filed in the Secretary's office, the following acts:

An act to regulate the mode of doing county business, in the several counties in this State.

An act providing for a relocation of a part of the Fort Wayne state road.

An act confirming the sale of certain school sections, therein named.

An act concerning the Secretary of State.

The Senate resumed the consideration of the amendment proposed by Mr. Gregory, to the bill of the Senate, apportioning Senators and Representatives, in the several counties and districts in this State.

Mr. Lemon moved to amend the bill of the Senate, by inserting the following, to wit:

The counties of Clark and Floyd, shall be entitled to one additional representative, to be elected each year, alternately, commencing with the county of Clark.

And on the question, shall said amendment be so amended?

Thea yes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Frisbie, Lemon, Lomax, M'Kinney, Stevens and Watts—7.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Linton, Morgan, Orr, Pennington, Robb, Sering and Worth—14.

So said amendment was not adopted.

Mr. Claypool moved the following amendment to the bill of the Senate, to wit:

Add the counties of Fayette and Union, to the list of counties, entitled to two representatives each.

And on the question, shall the bill be so amended,

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Lemon, Lomax, Morgan, M'Kinney, Stevens, Watts and Worth—10.

Those who voted in the negative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Orr, Pennington, Robb, Sering and Whitcomb—13.

So said amendment was not so amended.

Mr. Blair moved to amend the amendment proposed by Mr. Gregory, as follows, to wit:

"The county of Parke, one Representative, and the county of Vermillion, one Representative, and one additional Representative to be elected each year alternately, commencing with the county of Vermillion, which was carried in the affirmative.

Mr. Stevens moved to amend said amendment, by inserting the following:

That the county of Switzerland, shall have two Representatives.

And on the question, shall the amendment be so amended?

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Fletcher, Gregory, Linton, M'Kinney, Stevens and Worth—9.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Lemon, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts and Whitcomb—15.

So said amendment was not so amended.

Mr. Fletcher moved to amend said amendment, by adding an additional Representative to the county of Marion,

And on the question, shall said amendment be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Fletcher, Frisbie, Gregory, Linton, M'Kinney, Stevens, and Worth—7.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Giv-

ens, Graham, Lemon, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts and Whitcomb—16.

So said amendment was not so amended:

Mr. Lomax moved to amend said amendment, by adding an additional member to the county of Wayne,

And on the question, shall said amendment be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Fletcher, Frisbie, Lomax, M'Kinney, Stevens and Worth—7.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Morgan, Orr, Pennington, Robb, Sering, Watts and Whitcomb—16.

So said amendment was not so amended.

The question then recurring upon striking out said bill from the enacting clause, and inserting the amendment proposed by Mr. Gregory,

A division of the question was called for,

And on the question, shall the bill of the Senate, be so stricken out?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Ewing, Fletcher, Lemon, Linton, Lomax, M'Kinney, Orr, Sering, Stevens and Worth—13.

Those who voted in the negative, are

Messrs. Depauw, Frisbie, Givens, Graham, Gregory, Morgan, Pennington, Robb, Watts and Whitcomb—10.

So said bill was stricken out from the enacting clause.

Mr. Depauw moved to amend said amendment, by adding an additional Representative to the county of Washington.

And on the question, shall the amendment be so amended?

The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Fletcher, Graham, Gregory, Pennington and Watts—7.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Frisbie, Givens, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Robb, Sering, Stevens, Whitcomb and Worth—16.

So said amendment was not concurred in.

Mr. Watts moved further to amend said amendment, by adding an additional Representative to the county of Dearborn.

And on the question, shall the amendment be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Frisbie, Gregory, Linton, M'Kinney, Stevens, Watts and Whitcomb—8.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Lomax, Morgan, Orr, Pennington, Robb, Sering and Worth—15.

So said motion was determined in the negative.

Mr. Ewing moved so to amend the amendment that Knox county shall have two representatives, and Daviess and Martin two representatives.

And on the question, shall the amendment be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Ewing, Fletcher, Linton, M'Kinney, Stevens, Watts and Worth—8.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Frisbie, Givens, Graham,

Gregory, Lemon, Lomax, Morgan, Orr, Pennington, Robb, Sering and Whitcomb—15.

So said amendment was not so amended.

Mr. Whitcomb moved further to amend said amendment by adding the following: "And the counties of Monroe, Green and Owen shall have one additional representative, to be elected first by the county of Monroe, and alternately by the counties of Green and Owen jointly."

And on the question, shall the amendment be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Ewing, Frisbie, Gregory, Linton, M'Kinney, Orr, Stevens, Watts and Whitcomb—9.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Lemon, Lomax, Morgan, Pennington, Robb, Sering and Worth—14.

So said amendment was not so amended.

Mr. Lemon moved to amend the amendment further, by giving an additional member to the county of Floyd and one to the county of Clark, and strike out the alternate representative.

And on the question, shall the amendment be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Frisbie, Lemon, M'Kinney, Sering, Stevens, and Worth—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Linton, Lomax, Morgan, Orr, Pennington, Robb, Watts and Whitcomb—17.

So said amendment was not so amended.

Mr. Stevens moved to amend the amendment so as to give the counties of Switzerland and Ripley an additional representative, alternately, beginning with the county of Switzerland.

And on the question, shall the amendment be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Frisbie, Lemon, Linton, M'Kinney, Stevens, Watts and Worth—8.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lomax, Morgan, Orr, Pennington, Robb, Sering and Whitcomb—14.

So said amendment was not so amended.

And on the question, shall said amendment proposed by Mr. Gregory be adopted?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens and Worth—17.

Those who voted in the negative, are

Messrs. Depauw, Ewing, Graham, Lemon, Watts and Whitcomb—6.

So said amendment was adopted.

And on the question, shall the bill as amended be engrossed for a third reading?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens and Worth—18.

Those who voted in the negative, are

Messrs. Depauw, Ewing, Graham, Lemon, Watts and Whitcomb—5.

So said bill as amended was ordered to be engrossed for a third reading.

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act regulating the action of Replevin.

An act relative to foreign attachments.

An act to provide for opening a part and relocating a part of the Mauk's ferry state road.

An act to provide for the appointment of Circuit Prosecutor and defining his duties.

An act concerning Clerks, and

An act to provide for a state road from Merom to some point on the Terre-Haute and Bono state road,

And had found said bills truly enrolled.

Mr. Fletcher from the joint committee on enrolled bills reported,

That they did on this day present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

"An act to provide for the appointment of Circuit Prosecutors and defining their duties;"

"An act concerning Clerks;"

"An act relative to foreign attachment;"

"An act regulating the action of Replevin;"

"An act to provide for opening a part and relocating a part of the Mauk's ferry state road;"

"An act to provide for a state road from Merom in Sullivan county, to some point on the Terre-Haute and Bono state road and for other purposes."

The engrossed memorial and joint resolution of the General Assembly, for the relief of John Kimberlin, was read the third time,

And on the question, shall this memorial and joint resolution pass,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Whitcomb and Worth—19.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Givens and Watts—4.

So said memorial and joint resolution passed with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence to the proposed amendments requested.

The bill regulating the jurisdiction and duties of justices of the peace, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

The Senate according to order resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled,

“An act concerning tenants holding over,” and after some time spent therein, the President resumed the chair, and Mr. Pennington reported progress and asked leave to sit again,

Which leave was granted by the Senate.

And the Senate adjourned.

THURSDAY, JANUARY 20, 1831.

The Senate assembled.

Mr. Gregory from the committee on roads to which was referred a number of resolutions on the subject of appropriating certain portions of the three per cent fund, for the improvement of certain state roads, navigable streams, and building bridges, reported a bill appropriating \$20,000 of the 3 per cent fund,

Which was twice read and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Blair presented the petition of John Irvin and others of Vermillion county, praying an act to re-establish a part of the state road from Greencastle in Putnam county by way of Rockville, Newport and Springfield in Vermillion county, to the line dividing Indiana and Illinois in the direction of Springfield in Illinois,

Which was read, and

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Orr and Fletcher be the committee.

Mr. Blair presented the petition of Lewis Burns and others, citizens of the town of Springfield in Vermillion county, praying an act of incorporation of said town, which was read, and

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Whitcomb and Linton be the committee.

Mr. Blair from the select committee to which was referred the petition of Alanson Matson and others, praying a change in a certain state road, reported a bill to change a part of the state road from the state line, in the direction of Vandalia in the State of Illinois, by way of the points therein named, to Greensburgh in Decatur county,

Which was read the first time and passed to a second reading.

Mr. Worth from the select committee to which was referred the engrossed bill from the House of Representatives, entitled,

"An act for the relocation of the county seat of Elkhart county, reported the same with amendments, which were read, and concurred in.

Ordered, That they be engrossed and with the bill pass to a third reading.

The Senate proceeded to consider the orders of the day.

On motion of Mr. Robb, the bill to locate and establish a state road from Corydon in Harrison county to Petersburg in Pike county, was taken up and committed to the same committee of the whole, to which was referred a bill appropriating \$20,000 of the 3 per cent. fund.

The engrossed bill from the House of Representatives entitled,

"An act for the benefit of the widow and heirs of Caleb Sheladay was read the 2d time and passed to a third reading.

The engrossed bill from the House of Representatives, entitled "an act to establish a state road from Wm. Connelley's in Lawrence county, to Greencastle in Putnam county," was read the second time, and

On motion of Mr. Orr, referred to a select committee.

Ordered, That Messrs. Orr, Whitcomb and Clendenin be the committee.

The engrossed bill from the House of Representatives entitled, "an act legalizing the proceedings of certain Trustees therein named, was read the third time, amended on motion of Mr. Pennington and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendment requested.

The engrossed bill from the House of Representatives entitled, "an act for the appropriation of money to aid in building a bridge across Eel river, was read the second time, and committed to the same committee of the whole, to which was committed the bill appropriating \$20,000 of the three per cent. fund.

The engrossed bill from the House of Representatives entitled "An act for the relief of David Buchanan, security of Joseph C. Reed dec'd. was read the 2d, time, and

On motion of Mr. Fletcher referred to the committee on claims.

The engrossed bill from the House of Representatives, entitled, "An act relative to the borough of Vincennes," was read the third time, and passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The engrossed bill apportioning the Senators and Representatives to the several counties and districts in this state, was read the third time, when

Mr. Depauw moved that it be re-committed to the select committee who first reported it, with instructions to amend the same so as to allow not exceeding 27 Senators and 61 representatives.

Mr. Gregory moved to amend said instructions by striking out the same and inserting the following:

"That the bill be re-committed to a select committee with instructions to amend it, by striking it out from the enacting clause, and inserting in lieu thereof the bill from the House of Representatives as it stands amended by the Senate.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Gregory, Linton, Orr, Stevens, Watts and Worth
—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Lemon, Lomax, Morgan, M'Kinney, Pennington, Robb, Sering and Whitcomb—17.

So said motion was determined in the negative.

The question then recurring upon the motion of Mr. Depauw, to re-commit said bill with instructions,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Depauw, Ewing, Lemon, Pennington, Watts and Whitcomb—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Robb, Sering, Stevens and Worth—17.

So said motion was determined in the negative.

Mr. Ewing moved to re-commit the bill with instructions to incorporate therein the provisions of the bill passed by the House of Representatives.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Ewing, Lemon, Linton, Orr, Stevens and Watts—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lomax, Morgan, M'Kinney, Pennington, Robb, Sering, Whitcomb and Worth—17.

So said motion was determined in the negative.

Mr. Lemon moved to re-commit said bill to a select committee, with instructions to report the same with not more than 25 Senators and not more than 65 representatives.

Mr. Ewing moved to amend said instructions by striking out the same and inserting the following:

“That the bill be re-committed to a select committee to be composed of one Senator from each judicial circuit.”

And on the question, shall this amendment be adopted?

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Ewing, Lemon and Whitcomb—3.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts and Worth—20.

So said motion was determined in the negative.

The question again recurring on Mr. Lemon's proposition,

The ayes and noes were demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Depauw, Ewing, Lemon, Pennington, Watts and Whitcomb—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Robb, Sering, Stevens and Worth—17.

So said proposition was determined in the negative.

And on the question, shall this bill pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Robb, Sering and Worth—15.

Those who voted in the negative, are

Messrs. Depauw, Ewing, Graham, Lemon, Pennington, Stevens, Watts and Whitcomb—8.

So said bill passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate, according to order, resolved themselves into

a committee of the whole, on the engrossed bill from the House of Representatives, entitled "an act regulating distress for rent," and after some time spent therein, the President resumed the chair, and Mr. Robb reported the same, with amendments, which were read and concurred in, generally, except the second.

Mr. Fletcher moved to amend said second amendment, which was determined in the negative.

Said amendment was then concurred in by the Senate.

Ordered, That the amendments be engrossed, and with the bill, read a third time.

On motion of Mr. Lemon, the committee of the whole was discharged from the further consideration of the bill, for the re-location of a part of the state road, from Jeffersonville, to the falls of Drift, and referred to a select committee.

Ordered, That Messrs. Lemon, Graham and Depauw, be the committee.

The President laid before the Senate, the following communication, from the Governor:

EXECUTIVE DEPARTMENT, INDIANA, }
Indianapolis, January 20, 1831. }

HON. MILTON STAPP,
President of the Senate,

SIR:—I herewith transmit to the Senate of the State of Indiana, for the present General Assembly, a communication from the Governor of the State of Illinois, together with a memorial of the State aforesaid, this day received, relative to the free navigation of the Vermillion river, and some obstructions in the same. Some steps seem to be necessary, on our part, to insure a compliance with the provisions of our laws, which authorised the erection of the same, complained of.

I have the honor to be, sir,
very respectfully, your most ob't. serv't.

JAMES B. RAY.

Which was read, and with the communication accompanying it, referred to the committee on canals and internal improvements.

A message from the Governor, by Mr. Forsee, his private Secretary.

MR. PRESIDENT,

I am directed by his excellency, the Governor, to inform the Senate, that he did, on this day, approve, sign and file, in the Secretary's office, the following acts, to wit:

"An act to provide for a state road from Merom, in Sullivan county, to some point on the Terre Haute and Bono state road, and for other purposes," and,

"An act concerning Clerks."

On motion of Mr. Robb, the committee of the whole, was discharged from the further consideration of the memorial of the General Assembly of the State of Indiana, to the Congress of the United States, on the subject of the Wabash and Erie canal.

And before the question was taken, debate having arisen thereon, on passing said memorial to a third reading,

The Senate adjourned.

FRIDAY, JANUARY 21, 1831.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bill of the House entitled,

"An act relative to the borough of Vincennes," and to the "engrossed memorial and joint resolution for the relief of John Kimberlin."

They have passed an engrossed bill from the Senate, entitled,

"An act for the apportionment of Senators and Representatives in the General Assembly of this State," and

"A joint resolution of the Senate, respecting the printing of a certain act therein named," each with an amendment, In which the concurrence of the Senate is requested.

The amendment proposed by the House to the engrossed

joint resolution of the Senate, respecting the printing of a certain act therein named,

Were considered and agreed to by the Senate.

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the engrossed bill of the Senate entitled,

An act for the apportionment of Senators and Representatives in the General Assembly of this State.

Mr. Givens moved to amend the amendment proposed by the House, by adding the following:

"That the counties of Posey, Vanderburgh and Warrick, one additional Representative to be elected alternately, commencing with the county of Posey; Vanderburgh and Warrick voting together as one Representative district.

And on the question, shall this amendment be adopted?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Stevens and Watts—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Frisbie, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Whitcomb and Worth—12.

So said amendment was not adopted.

Mr. Orr moved to amend said proposed amendment of the House, by striking the same out from "the county of Wayne one," in the first line of the first section, which part proposed to be stricken out reads as follows:

The counties of Union and Fayette, one.

The counties of Marion and Hamilton, one.

The counties of Madison, Hancock and Henry, one.

The counties of Randolph, Allen, Elkhart, St. Joseph and Delaware, one.

The counties of Franklin, Harrison, Jefferson, Dearborn, Washington, Rush and Putnam, one district each.

The counties of Posey, Vanderburgh and Warrick, one.

The counties of Switzerland and Ripley, one.

The counties of Shelby and Decatur, one.

The counties of Jackson, Jennings and Scott, one.

The counties of Bartholomew and Johnson, one.

The counties Floyd and Clark, one.

The counties of Monroe, Owen and Green, one.

The counties of Morgan, Hendricks and Boon, one.

The counties of Gibson, Pike and Dubois, one.

The counties of Crawford, Perry and Spencer, one.

The counties of Orange and Lawrence, one.

The counties of Knox, Daviess and Martin, one.

The counties of Vigo, Sullivan and Clay, one.

The counties of Parke and Vermillion, one.

The counties of Fountain and Warren, one.

The counties of Montgomery and Clinton, one.

The counties of Tippecanoe, Carroll and Cass, one.

And each of said districts, shall be entitled to one Senator.

Sec. 2. That for the purpose of electing Representatives to the General Assembly of this State for the ensuing five years, the State shall be divided as follows, to wit:

The counties of Wayne and Dearborn shall each be entitled to four Representatives; Jefferson, Harrison, Franklin, Fayette, Union, Parke, Putnam, Rush, Knox, Vermillion, Switzerland and Fountain, two each.

The counties of Orange and Lawrence to have three Representatives, two to be elected from Lawrence and one from Orange alternately every year.

The counties of Marion, Henry, Posey, Ripley, Decatur, Shelby, Scott, Jennings, Jackson, Bartholomew, Johnson, Monroe, Owen, Green, Morgan, Gibson, Crawford, Sullivan, Daviess, Hendricks and Martin, one Representative each.

The counties of Hamilton and Boon, one Representative.

The counties of Madison and Hancock, one Representative.

Vanderburgh and Warrick, one.

Pike and Dubois, one.

Spencer and Perry, one.

The county of Tippecanoe, two.

The counties of Carroll and Cass, one Representative.

Allen, Elkhart and St. Joseph, one Representative.

The county of Warren, one Representative.

The county of Washington, three Representatives, and the county of Delaware and Territory attached, one.

Randolph, one.

The counties of Montgomery and Clinton, two Representatives.

The county of Clark, two.

The county of Floyd one, and one alternately between Clark and Floyd, beginning with Floyd county.

The counties of Vigo and Clay, two Representatives, to be elected as follows, one in each county, the first year, and the second year by the two counties jointly and in the same manner alternately, and insert the following:

“The counties of Vanderburgh, Warrick and Posey, one district.

The counties of Gibson, Pike and Dubois, one district.

The counties of Perry, Spencer and Crawford, one district.

The counties of Knox, Daviess and Martin, one district.

The counties of Orange and Lawrence, one district.

The county of Harrison, one district.

The county of Washington, one district.

The counties of Clark and Floyd, one district.

The counties of Jackson, Scott and Jennings, one district.

The county of Jefferson, one district.

The counties of Switzerland and Ripley, one district.

The county of Dearborn, one district.

The counties of Shelby and Decatur, one district.

The county of Franklin, one district.

The county of Rush, one district.

The counties of Union and Fayette, one district.

The counties of Randolph, Delaware, Allen, and all the territory north and east of a line drawn from the south-east corner of the great Miami reservation to the state line, one district.

The counties of Bartholomew and Johnson, one district.

The counties of Henry, Madison and Hancock, one district.

The counties of Marion, Hamilton and all the territory north, to the great miami reservation, one district.

The counties of Morgan, Hendricks and Boone, one district.

The counties of Monroe, Owen and Green, one district.

The counties of Sullivan, Vigo and Clay, one district.

The county of Putnam, one district.

The county of Parke, one district.

The county of Fountain, one district.

The counties of Vermillion and Warren, one district.

The county of Tippecanoe and all the territory north of Tippecanoe and Warren, to the state line, one district.

The counties of Montgomery and Clinton, one district.

The counties of Carroll, Cass, St. Joseph, Elkhart and all

the Territory north of Carroll, Cass and the Great Miami reservation to the state line, one district.

Sec. 2. And for the purpose of electing Representatives to the General Assembly of the State of Indiana, the State shall be divided as follows, to wit:

The counties of Dearborn and Wayne, shall each be entitled to four Representatives.

The counties of Knox, Jefferson, Harrison, Franklin, Rush, Putnam, Parke, Fountain, Fayette, Union, Orange, Lawrence, Vermillion, Switzerland, Montgomery and Marion, each two Representatives.

The county of Washington, three Representatives.

The counties of Shelby and Decatur, each one Representative, and one additional representative, to be elected each year, alternately, by one of said counties, commencing with the county of Shelby.

The county of Clark, two Representatives, and the county of Floyd, one Representative, and one additional Representative to be elected each year alternately, commencing with the county of Floyd.

The counties of Monroe, Green and Owen, each one Representative, and the county of Monroe shall form one district, and the counties of Green and Owen shall form another district, and shall be entitled to one additional Representative to be elected each year alternately, commencing with the district of Monroe.

The counties of Jackson, Johnson, Daviess, Martin, Morgan, Randolph, Henry, Ripley, Jennings, Bartholomew, Scott, Crawford, Posey, Gibson, Vigo, Clay, Sullivan, Warren and Hancock, one Representative.

The counties of Warrick and Vanderburgh, one district.

The counties of Pike and Dubois, one Representative.

The counties of Spencer and Perry, one Representative.

The counties of Cass, St. Joseph, and all the territory north of Carroll, Cass, and the great miami reservation, to the state line, one Representative.

The counties of Madison and Hancock, one Representative.

The counties of Hamilton and Boone, and all the territory north, to the great miami reservation, one Representative.

The county of Delaware, and all the territory north of Randolph, Delaware and Madison, to the Wabash river, one Representative.

The counties of Allen, Elkhart, and all the territory north of the Wabash river, and lying east of a north and south line,

drawn from the north east corner of the great miami reservation, to the state line, one Representative.

The county of Tippecanoe, and all the territory north of the counties of Tippecanoe and Warren, to the state line, two Representatives.

Mr. Givens moved to amend the amendment proposed by Mr. Orr, by adding the following:

"That the counties of Posey, Vanderburgh and Warrick, have one additional Representative to be elected alternately, commencing with the county of Posey; Vanderburgh and Warrick voting together, as one Representative district."

And on the question, shall the amendment be adopted?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Fletcher, Givens, Graham, Gregory, McKinney, Orr, Stevens, Watts, Whitcomb and Worth—13.

Those who voted in the negative, are

Messrs. Blair, Depauw, Frisbie, Lemon, Linton, Lomax, Morgan, Pennington, Robb and Sering—10.

So said amendment was adopted.

Mr. Robb moved to amend the amendment proposed by the House of Representatives to the Senate's bill, by striking out the second section thereof, which provides for seventy-nine Representatives and insert the second section of the Senate's bill, which provides for sixty-nine Representatives only, which reads as follows:

"Sec. 2. And for the purpose of electing Representatives to the General Assembly of the State of Indiana, the state shall be divided as follows, to wit:

The counties of Dearborn and Wayne shall each be entitled to three Representatives.

The counties of Jefferson, Clark, Harrison, Washington, Franklin, Rush, Putnam, Fountain and Tippecanoe, each two Representatives.

The counties of Decatur, Shelby, Jackson, Johnson, Marion, Morgan, Monroe, Henry, Ripley, Switzerland, Jennings, Bartholomew, Scott, Crawford, Floyd, Posey, Gibson, Sullivan, Vigo, Green, Owen, Vermillion and Warren, each one Representative.

The counties of Clay and Park, two Representatives.

The counties of Carroll and Cass, and all the country attached to Carroll, one Representative.

The counties of Montgomery and Clinton, two Representatives.

The counties of Warrick and Vanderburgh, one Representative.

The counties of Spencer and Perry, one Representative.

The counties of Pike and Dubois, one Representative.

The counties of Hendricks and Boone, one Representative.

The counties of Allen, Elkhart and St. Josephs, one Representative.

The counties of Randolph and Delaware, one Representative.

The counties of Fayette and Union, each one Representative, and one additional Representative to be elected each year alternately, by one of said counties, commencing with the county of Union.

The counties of Orange and Lawrence, each one Representative, and one additional Representative to be elected each year alternately, by one of said counties, commencing with the county of Lawrence.

The counties of Daviess and Martin, one Representative, and the county of Knox one Representative, and one additional Representative to be elected each year alternately, by one of said districts, commencing with the counties of Daviess and Martin.

A division of the question being called for,

The question was upon striking out,

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Frisbie, Graham, Lemon, Morgan, Orr, Pennington, Robb, Whitcomb and Worth—9.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Givens, Gregory, Linton, Lomax, M^r Kinney, Sering, Stevens and Watts—14.

So said motion was determined in the negative.

The question then recurring upon Mr. Orr's proposition, to

strike out the amendment proposed by the House, and insert the amendment proposed by him.

A division of the question being called for,
The question was upon striking out,
And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Givens, Gregory, Linton, Lomax, Orr, Robb, Stevens, Whitcomb and Worth—13.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Ewing, Graham, Lemon, Morgan, M'Kinney, Pennington, Sering and Watts—10.

So said amendment was stricken out.

And on the question, will the Senate adopt the amendment proposed by Mr. Orr,

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Depauw, Fletcher, Givens, Gregory, Linton, M'Kinney, Orr, Sering, Stevens and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Ewing, Frisbie, Graham, Lemon, Lomax, Morgan, Pennington, Robb, Watts and Whitcomb—12.

So said amendment was not adopted.

Mr. Morgan then moved to lay said amendment upon the table, which was determined in the negative.

Mr. Gregory then moved to lay said bill on the table, which motion was determined in the negative.

Mr. Stevens moved to reconsider the vote just given, on striking out the amendment proposed by the House of Representatives, to the bill of the Senate, which motion was determined in the affirmative.

The question again recurring upon striking out said proposed amendment.

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Fletcher, Frisbie, Givens, Gregory, Linton, Orr, Robb and Worth—10.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Ewing, Graham, Lemon, Lomax, Morgan, M'Kinney, Pennington, Sering, Stevens, Watts and Whitcomb—13.

So said proposed amendment was not stricken out.

And on the question will the Senate concur in said proposed amendment.

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Depauw, Ewing and Linton—3.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts, Whitcomb and Worth—20.

So said amendment was not concurred in.

Ordered, That the House of Representatives be informed thereof.

Mr. Blair from the select committee, to which was referred the petition and remonstrance, on the subject of the relocation of the seat of justice of Fountain county, reported a bill to provide for the relocation of the seat of justice of Fountain county.

Which was read the first time and passed to a second reading.

Mr. Watts presented the petition of Jonathan Woodberry praying the redress of certain grievances alledged.

Which was read, when,

Mr. Stevens moved to refer said petition to the committee on elections, which was determined in the negative.

Mr. Whitcomb moved to lay said petition on the table,

Which was determined in the negative.

On motion of Mr. Graham, it was referred to the committee on the judiciary.

Mr. Whitcomb, from the select committee, to whom was referred the bill for the relief of insolvent debtors, with instructions, reported the same with sundry amendments, which were severally read and concurred in by the Senate.

Ordered, That they be engrossed, and with the bill, read a third time.

Mr. Worth, from the select committee, to which was referred the bill and accompanying documents for the relocation of the seat of justice of St. Joseph county, reported the bill with amendments, which were severally read and concurred in.

Ordered, That they be engrossed, and with the bill, read a third time.

Mr. Lemon, from the select committee, to which was referred a bill to provide for the relocation of a part of the state road leading from Jeffersonville, to the falls of Driftwood fork of White river, reported the same with an amendment, which was read and concurred in by the Senate.

Ordered, That said amendments be engrossed, and with the bill, pass to a third reading.

On motion of Mr. Watts, the following resolution was adopted:

Whereas, the credit system of selling public lands, is changed, and the reason for some of the compact restrictions agreed to by Indiana, at the formation of her constitution is therefore no longer in existence: therefore,

Resolved, That a committee be appointed to inquire into the expediency and propriety of memorializing the Congress of the United States, to obtain a release from such part of the restrictions above alluded to, as effect the equal taxation of our citizens, with leave to report by memorial or otherwise.

Mr. Morgan introduced a bill for the relief of Jesse Oneal, which was read the first time and passed to a second reading.

The Senate proceeded to consider the orders of the day.

The Senate resumed the consideration of the memorial of the General Assembly of the State of Indiana, to the Congress of the United States, on the subject of the Wabash and Erie canal,

And before the question was taken, upon passing said memorial to a third reading, debate having arisen thereon,

The Senate adjourned.

SATURDAY, JANUARY 22, 1831.

The Senate assembled.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act to incorporate the Lawrenceburgh Bridge Company.

An act for the prevention of frauds and perjuries.

An act providing for the construction of a bridge over Mill creek in Owen county.

An act to continue in force the several acts and joint resolutions relative to the permanent seat of Government and the affairs of the town of Indianapolis.

An act organizing circuit courts and defining their powers and duties.

An act to establish a state road from Richmond in Wayne county to Fort Wayne in Allen county.

An act to establish and re-locate a part of the Madison state road; and,

An act to raise additional revenue for the county of Ripley. And had found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

Mr. PRESIDENT,

The Speaker of the House of Representatives, having signed enrolled bills entitled,

"An act to establish a state road from Richmond in Wayne county to Fort Wayne in Allen county;"

"An act to raise additional revenue for the county of Ripley;"

"An act to establish and re-locate a part of the Madison state road;"

"An act providing for the construction of a bridge over Mill creek in Owen county;"

"An act organizing circuit courts and defining their powers and duties;"

"An act for the prevention of frauds and perjuries;"

"An act to incorporate the Lawrenceburgh bridge company," and,

An act to republish and continue in force the the several acts and joint resolutions, relative to the permanent seat of

Government and the affairs of the town of Indianapolis. I am directed to bring them to the Senate for the signature of their President.

The House have passed engrossed bills and an engrossed preamble and joint resolution, originating in the Senate, entitled,

"An act to regulate the mode of summoning and empanelling grand and petit jurors;"

"An act to provide for the relocation of the state road from Bono to Terre-Haute;" and

"A Preamble and joint resolution of the General Assembly of Indiana;"

The said bills with and the said joint resolution without amendment.

They have passed engrossed bills of the House, entitled,

"An act to encourage the killing of Wolves;"

"An act to locate a state road from Miamisport in Cass county, to intersect the Michigan Road in a direction to the southern bend of the big St. Joseph river, where said road crosses the Tippecanoe river;"

"An act authorising David Williams to erect a mill dam across the the west fork of White river;"

"An act to authorize the vacation of towns;"

"An act relative to county boundaries;"

"An act relocating part of the Greensburgh and Clinton state road;"

"An act to perpetuate and confirm certain state roads therein named;" and

"An engrossed joint resolution of the State of Indiana."

In which bills, &c. of the House and in the amendments to the bills of the Senate as above, the concurrence of the Senate is requested.

They have also agreed to the amendments proposed by the Senate to the engrossed bill of the House, entitled,

An act legalizing the proceedings of certain Trustees therein named;

The House insists upon the amendment proposed by them to the engrossed bill of the Senate, entitled,

"An act for the apportionment of Senators and Representatives in the General Assembly of this State," and has appointed Messrs. Long and Reiley a committee of free conference on the part of the House, to take into consideration, with a similar committee to be appointed on the part of the Senate, the subject matter of the disagreeing votes of the two Houses.

The amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

"An act to provide for the relocation of the state road from Bonó to Terre-Haute, were on motion of Mr. Linton, laid on the table.

The Senate proceeded to consider the amendment proposed by the House of Representatives to the engrossed bill of the Senate entitled, "an act for the apportionment of Senators and Representatives in the General Assembly of this state.

On motion of Mr. Sering,

Resolved, That the Senate continue to insist on their disagreement to the amendment proposed by the House to said bill, and that a committee of free conference be appointed on the part of the Senate to take into consideration the disagreeing votes of the two Houses.

Ordered, That Messrs. Sering and Orr be the committee, and that the House of Representatives be informed thereof.

The engrossed bills from the House of Representatives entitled,

"An act to locate a state road from Miamisport in Cass county to intersect the Michigan road in a direction to the southern bend of the big St. Joseph river, where said road crosses the Tippecanoe river;"

"An act authorizing David Williams to erect a mill dam across the west fork of White river;"

"An act re-locating a part of the Greensburgh and Clinton state road," and

"An act to encourage the killing of Wolves,"

Were severally read the first time and passed to a second reading.

The engrossed bills from the House of Representatives, entitled,

"An act to authorize the vacation of towns," and

"An act relative to county boundaries,"

Were severally read twice and committed to a committee of the whole Senate and made the order of the day for Monday next.

The engrossed bill from the House of Representatives, entitled, "An act to perpetuate and confirm certain state roads therein named," was read twice and laid on the table.

The amendments proposed by the House to the engrossed bill of the Senate, entitled, "An act to regulate the mode of summoning and empannelling grand and petit jurors," were considered by the Senate and agreed to.

Ordered, That the House of Representatives be informed thereof.

Mr. Watts moved to re-consider the vote just given on concurring in the second amendment proposed by the House to the engrossed bill of the Senate, entitled, "an act to regulate the mode of summoning and empannelling grand and petit jurors," which motion was determined in the negative.

The engrossed joint resolution of the State of Indiana, from the House of Representatives, was read the first time and passed to a second reading.

Mr. Graham, from the select committee on that subject, made the following report:

MR. PRESIDENT,

The committee of free conference, appointed on the subject of the difference between the Houses, relative to the amendment made by the Senate, to the bill of the House, entitled, "an act to regulate descents, distribution and dower, have considered the subject referred to them, and report, that they have agreed to adopt the amendment of the Senate, with an amendment, as follows, to wit: after the word State Treasury, insert, "to be applied exclusively to the support of free schools, in the several townships of the proper county, in such manner as a future Legislature may direct."

Which was read and concurred in.

Ordered, That the House of Representatives be informed thereof.

Mr. Frisbie offered for adoption the following resolution:

Resolved, That the enrolling secretary of the Senate be authorized to employ an assistant, during the remainder of the session.

Mr. Pennington moved to amend said resolution by striking the same out from the resolving clause, and inserting the following: "That the Senate proceed to the election of an assistant enrolling secretary, to serve as such, during the remainder of the session," which motion was carried in the affirmative.

And on the question, shall the resolution as amended, be adopted, it was determined in the affirmative.

Whereupon, the Senate proceeded to an election of assistant enrolling secretary.

Messrs. Sering and Frisbie, having been appointed tellers; when upon counting the ballots, William W. Wick was de-

clared duly elected assistant enrolling secretary of the Senate, he having received 12 votes, a majority of all the votes given, and was thereupon called into the Senate chamber and sworn into office by the Honorable Bethuel F. Morris, President Judge of the 5th Judicial circuit of the state of Indiana.

The Senate proceeded to consider the orders of the day.

The Senate proceeded to consider the memorial of the General Assembly of the state of Indiana to the Congress of the United States, on the subject of the Wabash and Erie canal.

And before the question was taken on the passage of said memorial to a third reading, debate having arisen thereon,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the memorial of the General Assembly of the state of Indiana to the Congress of the United States on the subject of the Wabash and Erie canal.

Mr. Sering moved to lay said memorial on the table.

And on the question, shall the memorial lay upon the table?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Frisbie, Linton, M'Kinney, Orr, Sering, Stevens, Watts and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington, Robb and Whitcomb—12.

So said motion was determined in the negative.

Mr. Gregory moved to amend said memorial by striking out that part which asks Congress for an extension of time for the "completion" of said canal;

Which was consented to by the Senate.

The question then recurring upon passing said memorial to a third reading,

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington, Robb and Whitcomb—13.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Ser-
ing, Stevens, Watts and Worth—10.

So said memorial passed to a third reading.

Mr. Fletcher from the joint committee on enrolled bills, reported, that they did on this day present to the Governor for his approval and signature the following enrolled bills, entitled acts, to wit:

An act to incorporate the Lawrenceburgh bridge company.

An act for the prevention of frauds and perjuries.

An act organizing circuit courts and defining their powers and duties.

An act to establish and re-locate a part of the Madison state road.

An act to re-publish and continue in force the several acts and joint resolutions relative to the permanent seat of Government, and the affairs of the town of Indianapolis.

An act to establish a state road from Richmond in Wayne county to Fort Wayne in Allen county.

An act to establish and re-locate a part of the Madison state road.

An act to raise additional revenue for the county of Ripley.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has concurred in the report of the committee of free conference appointed to take into consideration the disagreeing votes of the two Houses on the third amendment proposed by the Senate to the engrossed bill of the House, entitled "an act to regulate descents, distribution and dower."

They have passed engrossed bills of the House, entitled
"An act to legalize the sale of the school land in Madison county."

"An act to continue in force "an act for the benefit of per-

sons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house, at Lawrenceburgh, on the morning of the 6th of March, 1826," approved January 11th, 1827.

"An act to repeal an act therein named."

"An act providing for opening that part of the Michigan road between Logansport in Cass county and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river;" and

"An act supplemental to an act providing means for the construction of the Wabash and Erie canal."

In which the concurrence of the Senate is requested.

The engrossed bills from the House of Representatives, entitled,

"An act to repeal an act therein named;"

"An act supplemental to an act providing means for the construction of the Wabash and Erie canal."

"An act to legalize the sale of the school lands in the county of Madison," and

"An act to continue in force an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th of March, 1826," approved January 11, 1827;

Were severally read the first time and passed to a second reading.

The engrossed bill from the House of Representatives, entitled, "an act providing for opening that part of the Michigan road between Logansport in Cass county and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river," was twice read and committed to a committee of the whole Senate and made the order of the day for Monday next.

And the Senate adjourned.

MONDAY, JANUARY 24, 1831.

The Senate assembled.

Mr. Graham from the committee of ways and means, made the following report, to wit:

MR. PRESIDENT:

The committee of ways and means to whom was referred the annual report of the Treasurer of State in relation to contingent expenses, and also in relation to stationary purchased during the year 1830, and paid for since the last annual report, have examined the said reports, and compared the same with the vouchers on file in the office of the Treasurer of State, and!

Report, That they find the several items in said reports of the Treasurer to agree with the corresponding vouchers in every particular.

Mr. Frisbie from the select committee to which was referred the petition of George Ewing and others, citizens of Perry county, reported a bill in pursuance to the prayer of the petitioners, to establish a state road from Rome in the county of Perry, to Petersburg in the county of Pike, and for other purposes,

Which was read the first time and passed to a second reading.

Mr. Blair from the select committee to which was referred the petition of John Irwin and others, citizens of Vermillion county, reported a bill, in pursuance to the prayer of the petitioners, to re-establish part of the State road from Greencastle in Putnam county, by way of Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion county to the State line, in the direction of Springfield in the State of Illinois, which was read the first time and passed to a second reading.

On motion of Mr. Depauw, the report of the committee on Education on the subject of Indiana College, upon reference of the petition of Amos Lock and others, citizens of Monroe county, was taken up.

Mr. Depauw then moved the adoption of the following resolution, to wit:

Resolved, That copies of the report of the committee on education made on the petition of Amos Lock and others, be printed for the use of the Senate.

Mr. Watts moved to fill the blank in said resolution with "1000," which was carried in the affirmative,

And on the question, shall this resolution as amended be adopted?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Frisbie, Givens, Gregory, Linton, Lomax, Morgan, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—18.

Those who voted in the negative, are

Messrs. Clendenin, Graham, Lemon, Pennington and Robb—5.

So said resolution was adopted.

Mr. Givens moved that the report made by the committee on education upon the subject of the petition of Barnabas Annable and others, citizens of Posey county be taken up, and that the same number of copies be printed as of the foregoing, and that it be appended thereto, which was carried in the affirmative.

Mr. Whitcomb introduced a bill supplemental to an act entitled "an act relative to foreign attachments," approved Jan. 20, 1831.

Which was read twice, when,

On motion of Mr. Stevens, said bill was amended.

Mr. Fletcher then moved to lay said bill on the table,

Which was determined in the negative.

Mr. Ewing moved to commit said bill to a select committee, with instructions so to amend the same, as to shew the facts—namely, that the bill to which it relates, did not pass this House as it is found to be enrolled, that the error originated by mistake of the Clerks, which motion was determined in the negative.

On motion of Mr. Stevens, the rules were then dispensed with and said bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

Mr. Claypool introduced a bill to incorporate the 1st. school society in district No. 3, in township No. 13, range No. 13 east, in Fayette county, which was read the first time and passed to a second reading.

The Senate proceeded to consider the orders of the day.

The bill for the relocation of the county seat of Fountain county, was read the 2d, time, and

On motion of Mr. Blair amended by adding an additional section.

And on the question shall this bill pass to a third reading?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts, Whitcomb and Worth—19.

Those who voted in the negative, are

Messrs. Clendenin, Ewing, Fletcher and Morgan—4.

So said bill was ordered to a third reading.

A message from the Governor, by Mr. Forsee, his private Secretary:

MR. PRESIDENT,

I am requested by his Excellency the Governor, to inform the Senate, that he has on this day, approved, and filed in the Secretary's office the following acts:

An act providing for the construction of a bridge over mill creek in Owen county.

An act for the prevention of frauds and perjuries.

The engrossed bills from the House of Representatives entitled,

"An act to locate a state road from Miamisport in Cass county to intersect the Michigan road, in a direction to the Southen bend of the big St. Joseph river, where said road crosses the Tippecanoe river;"

"An act to repeal an act therein named ;"

"An act to continue in force an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the Court House at Lawrenceburgh on the morning of the 6th of March, 1826," approved, Jan. 11th, 1827, and

An engrossed joint resolution of the State of Indiana, also,

The following named bills of the Senate, to wit:

A bill to change a part of the state road from the State line, in the direction of Vandalia in the State of Illinois, by way of the points therein named, to Greensburgh in Decatur county, and

A bill for the relief of Jesse Oneal, were severally read the second time and passed to a third reading.

The engrossed bills from the House of Representatives, entitled an act supplemental to "an act providing means for the construction of the Wabash and Erie canal," and "an act to encourage the killing of wolves," were severally read the 2d time and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, entitled, "an act authorizing David Williams to erect a mill dam across the west fork of White river," was read the 2d time, and,

On motion of Mr. Fletcher, amended.

Said bill was then laid on the table.

The bill from the House of Representatives, entitled,

"An act relocating part of the Greensburgh and Clinton state road," was read the second time, and,

On motion of Mr. Orr, said bill was referred to a select committee.

Ordered, That Messrs. Orr, Linton and Blair be the committee.

Mr. Worth, from the joint committee on enrolled bills, reported that they had compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to incorporate the Madison insurance company.

An act legalizing the proceedings of certain trustees therein named.

An act to provide for electing county and township officers.

An act relative to the borough of Vincennes; also,

A joint resolution respecting the printing of a certain act therein named, and,

A memorial and joint resolution for the relief of John Kimberlin. And had found the same truly enrolled.

The memorial of the General Assembly of the State of Indiana, to the Congress of the United States, relative to the compact of 1816, was read the second time.

Mr. Blair moved to indefinitely postpone said bill,

And before the question was taken,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the memorial of

the General Assembly of the State of Indiana, to the Congress of the United States, relative to the compact of 1816.

And on the question, shall this memorial be indefinitely postponed?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Fletcher, Gregory, Morgan, Orr, Stevens, Whitcomb and Worth—8.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Lemon, Linton, Lomax, M'Kinney, Pennington, Robb, and Watts—14.

So said motion was determined in the negative.

The engrossed bill from the House of Representatives, entitled an act for the benefit of the widow and heirs of Caleb Shelledy, deceased, was read the third time, and,

On motion of Mr. Sering, referred to a select committee.

Ordered, That Messrs. Sering, Depauw and Watts be the committee.

The engrossed bill from the House of Representatives, entitled, "an act to relocate the county seat of St. Joseph county," was read the third time.

Mr. Morgan moved to lay said bill on the table, which motion was determined in the negative.

Said bill then passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The engrossed bills from the House of Representatives, entitled, "an act for the relief of insolvent debtors," and the engrossed bill of the Senate to relocate part of the state road leading from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of Driftwood fork of White river, were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the bill of the Senate, requested.

The memorial of the General Assembly of the State of Indiana, to the Congress of the United States, on the subject of the Wabash and Erie canal, was read the third time.

And on the question, shall this memorial pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, McKinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—11.

So said memorial passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

On motion of Mr. Stevens the committee of the whole were discharged from the further consideration of the bill to regulate marriages: upon which the same was read a third time and passed.

Ordered, That the House of Representatives be informed of the passage of the same and their concurrence requested.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill of the House of Representatives, entitled, an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift; when, after some time spent therein, the President resumed the chair, and Mr. Sering reported progress and asked leave to sit again, which was refused by the Senate,

And on motion, by Mr. Pennington, the committee of the whole was discharged from the further consideration of said bill, and the same referred to a select committee.

Ordered, That Messrs. Pennington, Givens and Morgan be the committee.

Mr. Lomax moved that said committee be instructed to report the estray law of 1824, together with such amendments as the said committee should deem expedient, which was negatived, and,

On motion of Mr. Stevens, Messrs. Lomax and Fletcher, were added to the joint committee.

The Senate, according to order, resolved themselves into committee of the whole, on the bill providing for selecting, surveying and selling the Michigan road lands.

And after some time spent therein, the President resumed the chair, and Mr. Stevens reported progress and asked leave to sit again, which was refused by the Senate.

Mr. Stevens moved to re-commit said bill to a select committee.

Ordered, That Messrs. Stevens, Gregory and Sering, be the committee.

The Senate, according to order resolved themselves into committee of the whole, on the joint resolution, to learn the expense of paupers in this State, when, after some time spent therein the committee rose, the President resumed the chair, and Mr. Watts reported the same, with an amendment, which was by striking the same out from the enacting clause, which reads as follows:

Resolved, By the General Assembly of the State of Indiana, that the Clerks of the several counties in this state, be, and they are hereby required, to make return to the Secretary of State, on or before the first Monday of December next, the number, age and sex of every pauper and insane person who is a county charge in their respective counties, also, the amount paid by his county, for his or her sustenance, one copy to be forwarded to the Secretary of State, who shall report a brief abstract of said returns to the Legislature, and one copy to be forwarded by a representative of such county, attending the same; and in default of such duty on the part of the clerk, he shall forfeit and pay a penalty of fifty dollars; to be recovered by indictment, as in other cases of forfeiture.

And on the question will the Senate concur in said amendment.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Fletcher, Givens, Gregory, Lomax, Morgan, Orr, Pennington, Stevens and Worth—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Ewing, Frisbie, Graham, Lemon, Linton, M'Kinney, Robb, Sering, Watts and Whitcomb—13.

So the Senate refused to concur in the said amendment.

Mr. Ewing moved to refer said joint resolution to a select committee, which motion prevailed.

Ordered, That Messrs. Ewing, M'Kinney and Whitcomb, be the committee.

On motion of Mr. Stevens, the committee of the whole, to

which was committed two engrossed bills from the House of Representatives, entitled,

"An act providing for opening that part of the Michigan road between Logansport and the county seat of St. Joseph county," and,

"An act concerning the scrip to be granted to the Michigan road contractors and for other purposes," was discharged from the further consideration thereof, and referred to the same select committee to which was referred the bill of the Senate providing for surveying and selling the Michigan road lands.

And the Senate adjourned.

TUESDAY, JANUARY 25th, 1831.

The Senate assembled.

Mr. Whitcomb presented the petition of John Patten and others, citizens of Fairplay in Green county, praying an act to authorise the erection of a mill dam across White river at said town,

Which was read and referred to a select committee.

Ordered, That Messrs. Whitcomb, Clendenin, and Graham, be the committee.

Mr. Sering presented the petition of John Vawter and others of Jennings county praying that a law be passed to remove obstructions in the navigation of Muscatituck river, which was read, and

On motion of Mr. Sering referred to a select committee.

Ordered, That Messrs. Sering, Graham and Depauw, be the committee.

Mr. Pennington from the select committee upon that subject made the following report,

The committee to whom was referred the message of the Governor, *supplemental* to the message announcing the nomination of three gentlemen as Judges of the Supreme court, bearing date January 12, 1831, have according to order, had the same under consideration, and now ask leave to

Report, That they have witnessed with undisguised regret in this and an other message of his Excellency (which they forbear at this time to notice) a departure from those rules of intercourse between different departments of the government.

that have been sanctioned from time immemorial, the observance of which appears to be equally demanded by a sense of decorum, and the public interest. They especially regret that this infraction of the barrier, which official comity had hitherto successfully opposed to personal effervescence, should have occurred in the midst of an arduous session, devoted to the revision of the laws, and when the unobstructed co-operation of all is emphatically required for the public service. They regret it too because it imposes on the Senate the unwelcome duty of appealing from the disrespectful and unfounded imputations of one department of government, to their common umpire and superior. At the same time they are not without the satisfaction of knowing that this appeal did not originate with them, that in resorting to it they merely exercise that natural right of self defence which inherently belongs to bodies politic as well as individuals.

In reviewing the message, your committee regard the absence of official courtesy as of itself not rendering expedient any formal complaint on their part. A circumstance of this kind, though not without its importance in public estimation, carries along with it, its own responsibility. It is the formal arraignment of the Senate at the bar of public opinion, the official promulgation of principles inconsistent with their rights, and the rights of the people of Indiana whom they represent, which alone could justify them in assuming the unwelcome task of formally vindicating themselves against the charges or insinuations of another department.

The appeal of the Executive against injustice committed or intended, accompanied with an insinuation that there was *that*, in the proceedings of the Senate which required "*laying open*," renders it the imperative duty of your committee, to unite with his Excellency in making a full *expose* of the matter, and should the result of their joint scrutiny shew that the Senate have merited the animadversions bestowed, your committee will be prompt and zealous to recommend an expiation of the offence by a suitable atonement.

The first part of the message under review, expresses a suspicion that the Senate intended by their resolution "to imply an omission of duty on the part of the Executive," and seems to assign as a reason for indulging this suspicion, the fact that the resolution "*neither*" specified a choice of MEN, nor the *time when* nominations were expected. Your committee are struck with unaffected surprise at this objection to the resolution, inasmuch as the Governor, having explored its history

treats with unsparing severity the resolution in its original shape, because it DID contain the names of three gentlemen, agreeable to the mover. That the executive of a state should consider either branch of the Legislature amenable to his censure for the character, style or matter of any motion or resolution, that any individual member should think proper to introduce, is a position as novel as it is extraordinary, and if maintained on the part of a chief magistrate, armed with extensive patronage, would have a direct tendency to crush, and extinguish every thing like freedom or independence in the legislative body.

In respectfully protesting against a doctrine subversive of legislative independence, they are happy to recognize in the message one sentiment in which they entirely concur, which is, that by "*the admission of all there was a duty to be performed by the Executive in relation to the Supreme court.*" As the presiding officer of the state, sworn to see the laws faithfully executed, it was peculiarly his duty to see the constitution, which is the supreme law, carried into effect. The language of that instrument is, "the judiciary power of this state shall be vested in one supreme court." In order to make this part of the constitution operative, it was, as your committee think, the imperative duty of the Governor, not to suffer a chasm to take place in the official existence of the court. When a *vacuum* does take place in this department, the constitution is falsified; because then a state of things exists which renders untrue the first section of the 5th article of the instrument.— If by the neglect or design of the Executive, this official *vacuum* is produced, he is instrumental in violating the constitution he is sworn to support. If this reasoning be correct, it was clearly the duty of the Executive to have made a nomination of judges at an early period of the session, in order to have given the Senate time to have advised him with that deliberation demanded by the importance of the subject. This appears to have been the opinion of Governor Hendricks, who on the 9th of December, 1823, *nineteen days before the expiration of the term of service of the Supreme Judges*, made the following communication to the Senate. (See Journal of the Senate of 1823, pages 43 and 44.)

"Gentleman of the Senate:

Permit me to nominate to you as Judges of the Supreme Court, James Scott, Jesse L. Holman and Isaac Blackford, Esquires, and to ask your advice and consent to their ap-

pointment. *This term commences on the 28th of the present month.*

WILLIAM HENDRICKS.

December 9th, 1823."

This precedent from so respectable a source, will, it is hoped, be viewed as a sufficient answer to that part of the message which denounces the resolution of the Senate, is *unprecedented*, and ridicules the absurdity of nominating gentlemen to fill an office before there is a vacancy.

Other offices of far less importance than the "Supreme Judiciary," are filled prospectively for the very purpose of guarding against a vacancy. Witness the frequent elections of Clerks and Associate Judges in prospective. We ourselves have, during the present session of the General Assembly, elected a Senator of the United States, to fill a vacancy that will not take place until the 4th of March next. In fact, in both the Federal and State Governments, pains are invariably taken, to guard against all known vacancies, by filling them prospectively.

The official existence of the Judges of the Supreme court, terminated on the 27th of December, 1830, or according to the Governor, on the 28th of that month. It was then on the very day or day before the expiration of the term of the Supreme court, that a member of the Senate, having waited three weeks without hearing from the Governor, introduced the resolution animadverted on in the message. It is impossible for your committee, not to recognize the right of a member to offer that, or a similar resolution. But, actuated by feelings of scrupulous delicacy towards the Executive, they ordered the resolution to lie on the table, where it remained from the 27th of December, till the 8th of January following. It is well known that the Governor was, and is, in the daily habit of visiting the Senate chamber, during the hours of business, and it might have been supposed that such a resolution, lying on the table of the Senate, afforded as delicate a mode of conveying to his Excellency, the wishes of that body, or of a respectable portion of them, in reference to the constitutional movement expected from him, as any that could have been adopted. In the meantime, the functions of the court ceased, and it is well known that applicants for a supersedeas, to stay execution on judgments alledged to be erroneous, had in several instances failed to obtain that redress to which the consti-

stitution entitles them, in consequence of the non-existence of a supreme court.

Unwilling to acquiesce in a longer postponement of a high constitutional duty, the responsibility of which attached to them conjointly with the Executive, a majority of the Senate acceded to the wishes of the mover of the resolution to take the same from the table.

Here your committee, for the purpose of precision, beg leave to make a short extract from the journals of the Senate, which they submit as a part of their report, as follows, viz:

“Saturday, January 8th, 1831.

“Mr. Pennington moved that the resolution requesting the Governor to nominate certain gentlemen as Supreme Judges, be taken up, which was carried in the affirmative: ayes 14—noes 8.

“Mr. Robb moved to amend said resolution by striking it out from the resolving clause and in lieu thereof inserting the following:

“*Resolved*, That the Governor be and he is hereby respectfully requested to make his nominations of persons to fill the offices of the Supreme court Judges, whose terms of service have expired, which amendment was consented to.

“And on the question, shall the resolution as amended be adopted? it was carried in the affirmative: ayes 19—noes 3.”

The resolution thus adopted was, on the same day, presented to the Governor, and on the 12th inst. His Excellency responded by laying his nominating and supplemental messages before the Senate.

Your committee having given a plain unvarnished statement of the proceedings of the Senate on this subject, are totally at a loss to divine the cause of that excitement in the mind of His Excellency, that has given rise to the supposition that “*Senatorial dictation*” was intended, or the purity and independence of the Executive assailed.—If indeed that purity and independence on which the public weal so vitally depends, has been impeached or brought in question,—your committee would promptly recommend to both branches of the Legislature the use of all constitutional means to enable the Executive to vindicate his reputation. They concur with him in believing that the several departments of the Government are independent of each other, and that each should move in its appropriate sphere; and should any of their body so far have forgotten what was due to the chief magistrate, or his own dignity as to have made or attempted any unwarrantable en-

encroachments on the purity and independence of *that* department, your committee would not hesitate on proof of the fact, in giving to such a procedure a prompt and decided reprehension, to recommend such measures as would effectually prevent its recurrence. Your committee, however, feel that it is due to their body, in borrowing the language of His Excellency, to say, that "any intimation" of impropriety on the part of Senators, officially or individually in reference to the Executive, "is gratuitous, without evidence and against their views of constitutional correctness."

The near approach to unanimity in the final adoption of the resolution of the Senate appears to indicate a strong solicitude on their part, that the supreme judiciary power of the state, which had been suffered to expire, should be resuscitated.—Nineteen Senators representing the will and wishes of probably 300,000 inhabitants of this State, and without detracting from the ability of any other department, or arrogating to themselves superior discrimination, possessing better opportunities than a single individual, to know the wishes, feelings and opinions of the people they represent, *respectfully* solicit of the chief magistrate, (as he himself admits,) a compliance with the requisitions of the constitution. This is believed to be "the head and front of their offending!" and it really appears to your committee, that a request so obviously in the line of their duty, merited a response less vituperative, than the document under consideration.

The importance of keeping the Supreme Court in being, must be obvious to all. A single failure on the part of a solitary citizen, to obtain redress from that tribunal, which the constitution has established for his use, benefit and protection, involves the betrayal of a most sacred trust. The constitution has confided to the Governor and Senate, the making and perpetuating of this court, and there are those, not unversed in legal and constitutional construction, who entertain the opinion that the two departments, Executive and Senatorial, are co-equal and co-ordinate in every movement, in relation to the appointment of the Judges. In support of this opinion, the gentlemen alluded to quote Art. 4, Sec. 8, of the constitution, which says, that "the Governor shall *nominate*, and by and with the advice and consent of the Senate, appoint and commission all officers, the appointment of which is not *otherwise* therein directed," and the 5th Art. Sec. 7, which ordains that the Judges of the Supreme Court, be *appointed*, (not *nominated*), by the Governor, by and with the advice and consent

of the Senate." If the last cited clause, say they, were tantamount to the first so far as regards the appointment of the Supreme Judges, its insertion would have been superfluous.—It must therefore have been one of the cases otherwise *therein* directed. When this opinion is met and contravened by the practice under the constitution of the United States, they reply that, *that* constitution contains an express grant of the nominating power in all cases, without exception, viz: "*The President shall nominate, and by and with the advice and consent of the Senate appoint,*" &c.

Your committee, however, do not deem it necessary to discuss this question or to deliver their individual opinions inasmuch as the power alluded to *has never been exercised by the Senate*. The Executive it is true, with no little sacrifice of ingeniousness, has affected to identify the opinions of the Senate, with those of a single member, and upon such assumption has proceeded to an extravagance of remark, which your committee forbear strictly to characterize.

In relation to the constitutional powers of the Senate, whatever may be said of a "nominating power," your committee entertain no doubt of the right and duty of the Senate, thoroughly to scrutinize every nomination of the Executive, not only in regard to individual qualifications, but also as to the relative fitness and probable harmonious co-operation of the nominees. Hence, their undoubted right to approve one nominee and reject others. Your committee entertaining a deliberate conviction of the right and duty of the Senate, on this point, cannot but regard, as peculiarly offensive, the menace of his Excellency, to hold them responsible for a vacuum on the Supreme Bench, in case of refusal on their part, to confirm his first nomination. Omitting to dwell on the unprecedented character of such a suggestion, your committee repel with appropriate feelings, the assumption therein involved, that the Senate can ever become the silent and passive register of Executive mandates.

Your committee are unable to perceive any foundation for the remarks, "that had the Governor nominated the gentlemen named by the member who introduced the resolution, he would justly have been considered subservient to Senatorial dictation." With as much propriety, in the apprehension of your committee, could the Senate, under our constitution insist, that if they confirmed the nominees of the Executive, they would have been considered subservient to *Gubernatorial* dictation. This mode of reasoning may be well calculated to

erect an impassable barrier between the co-ordinate departments of the government, but can never advance the public good. That a Governor should refuse to sanction the advice of a Senate, simply because they had advised him, or a Senate refuse to confirm the nomination of a Governor, because he made it, are the suppositions of a morbid jealousy of prerogative, rather than the wholesome suggestions of patriotism.

Your committee cannot close this report, without repeating the expression of regret which has frequently occurred in the preceding paragraphs, that so grave a matter as a sacred constitutional duty should be weighed against *dollars and cents*, or that a comparison should be seriously instituted between the suspension or obstruction for weeks, of the civil and constitutional rights of nearly 400,000 citizens of Indiana, and the saving of "*something less than one hundred dollars to the Treasury.*"

Your committee respectfully recommend to the Senate, the adoption of the following resolutions, viz:

Resolved, That the resolution of the Senate of the 8th of January, inst. is within their constitutional powers, is perfectly respectful and conciliatory towards the Executive, and was called for by the necessities of the country.

Resolved, That on the rejection of a nomination of the Governor, in whole or in part, by the Senate, a decent regard to such performance of their duty, under the most solemn sanctions, and to their superior opportunities of collecting the sense and wishes of their constituents, requires of him to make another nomination.

Resolved, Therefore, That it is not now evident, that if the State is to be without a court, it will be because the Senate have refused to confirm the whole of the late Executive nomination, inasmuch as in such case, as before remarked, it is not only the privilege but the duty of the Executive to make another nomination.

Resolved, That whenever the Executive nominates three persons "*jointly*," as supreme Judges, the Senate have an undoubted constitutional right, equally with the Executive, to judge of their qualifications, relative fitness and harmonious coalescence, in forming a court, and consequently to confirm one, and reject the other, or to confirm two of said nominations and reject the third.

Resolved, That the nomination and appointment of Supreme Judges, and other officers, before the expiration of the term of office of the incumbents, is not without precedent, and

has never been questioned by any judicial decision, and that a contrary course has, except in cases of unavoidable accident, but the single precedent that has unfortunately given rise to these resolutions.

Resolved, That we cannot commend the wisdom of that economy, which, by the saving of "*something less than one hundred dollars to the Treasury*," falsifies that part of the constitution which provides for the existence of a Supreme court, and thereby practically destroys that provision in the same instrument, which declares "*That all courts shall be open, and every person, for an injury done him, in his lands, goods, person and reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.*"

Which was read, and by consent laid on the table.

Mr. Ewing, from the select committee, to which was referred a joint resolution, to ascertain the number of paupers and insane persons, who are a county charge, reported the joint resolution back with amendments, which were read and concurred in by the Senate.

Ordered, That said joint resolution be engrossed for a third reading.

Mr. Orr, from the select committee, to which was referred the engrossed bill from the House of Representatives, entitled "an act relocating part of the Greensburgh and Clinton State road, reported the same with amendments, which were read and concurred in by the Senate.

Ordered, That said amendments be engrossed, and with the bill pass to a third reading.

On motion of Mr. Ewing,

Resolved, That the committee on ways and means, be instructed to inquire into the cause of a continued dependence of our citizens, on neighbouring States, for the essential article of salt, and whether or not it be advisable and expedient, for the State to offer encouragement and aid, to establish a domestic manufacture of this article, and if a loan of any funds at the disposal of the State, should be authorized to assist enterprising citizens, engaged in boring for salt water, and what security should be given, with leave to report by bill or otherwise.

The Senate proceeded to consider the orders of the day.

The bills of the Senate, to incorporate the first school society in district No. 3, in township No. 13, N. of Range No. 13, E. in Fayette county, and,

To establish a state road from Rome, in the county of Per-

ry, to Petersburg, in the county of Pike, and for other purposes, were severally read the second time and ordered to a third reading.

On motion of Mr. Fletcher, the bill providing for the re-location of the county seat of Boone county, was taken up.

Mr. Orr moved to amend said bill by striking the same out from the enacting clause, and insert in lieu thereof, such provisions as will authorize commissioners to locate the county seat of said county.

A division of the question being called for,

The question was upon striking out said bill, which was determined in the negative.

Mr. Fletcher then moved to lay said bill on the table, which was carried in the affirmative.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, &c. entitled,

"An act legalizing the proceedings of certain trustees therein named;"

"An act to incorporate the Madison Insurance Company;"

"An act relative to the borough of Vincennes;"

"A joint resolution respecting the printing of a certain act therein named;"

"A memorial and joint resolution for the relief of John Kimberlin;"

I am directed to bring them to the Senate for the signature of their President.

The House of Representatives has passed engrossed bills of the House, entitled,

"An act to locate a state road from Connersville to Centreville by way of Goodlander's mill," and

"An act respecting salines and saline reserves,"

In which the concurrence of the Senate is requested.

The enrolled bills named in the above message were signed by the President and handed to the committee on enrolled bills to be presented by them to the Governor for his approval and signature.

The engrossed bill from the House, entitled "an act to locate a state road from Connersville to Centreville by way of Goodlander's mill," was twice read, and,

On motion of Mr. Lomax, referred to a select committee.

Ordered, That Messrs. Lomax, Claypool and M'Kinney be the committee.

The engrossed bill from the House of Representatives entitled, "an act respecting salines and saline reserves," was twice read, and,

On motion of Mr. Depauw, referred to a select committee.

Ordered, That Messrs. Depauw, Graham, Lemon, Clendenin and Whitcomb be the committee.

The engrossed bill to re-establish a part of the state road from Greencastle in Putnam county via Rockville and Beard's mill in Parke county, Newport and Springfield in Vermillion county to the state line in the direction of Springfield in Illinois, was read the second time and ordered to be engrossed for a third reading.

The engrossed bill of the Senate to provide for the re-location of the seat of Justice of Fountain county, was read the third time, and on the question, shall this bill pass?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Frishie, Givers, Gregory, Lemon, Linton, Lomax, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts and Whitcomb—17.

Those who voted in the negative, are

Messrs. Clendenin, Ewing, Fletcher, and Morgan—4.

So said bill passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

The memorial of the General Assembly of the state of Indiana to the Congress of the United States, relative to the compact of 1816, was read the third time.

And on the question, shall this memorial pass?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Frishie, Givers, Graham, Lemon, Lomax, M'Kinney, Pennington, Robb, Sering and Watts—14.

Those who voted in the negative, are

Messrs. Blair, Fletcher, Gregory, Linton, Morgan, Orr, Stevens and Whitcomb—8.

So said memorial passed.

On motion of Mr. Givens, the title of said memorial was amended so as to read as follows, to wit:

A memorial to the Congress of the United States, soliciting their consent to an alteration in the compact of 1816, by which all lands sold by the United States, are prohibited from taxation for five years, from and after the sale.

The engrossed bill from the House of Representatives, entitled,

“An act to repeal an act therein named.”

“An act to continue in force an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th of March, 1826,” approved January 11, 1827, and,

The engrossed bill of the Senate, to change a part of the state road from the state line, in the direction of Vandalia, in the State of Illinois, by way of the points therein named, to Greensburgh, in Decatur county, and,

The bill for the relief of Jesse Oneal,

Were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence to the bill of the Senate requested.

The engrossed joint resolution of the State of Indiana, from the House of Representatives, was read the third time and passed.

On motion of Mr. Claypool,

Ordered, That said joint resolution be entitled,

“A joint resolution of the State of Indiana, relative to the navigation of the Wabash and White rivers.”

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

Mr. Orr moved to discharge the committee of the whole, to which was committed the bill to incorporate the President and Directors of the State Bank of Indiana, which was determined in the negative.

The Senate then, according to law, resolved themselves into a committee of the whole on said bill, and after some time spent therein, the President resumed the chair, and Mr. Whit-

comb, reported the same with an amendment, which is, by striking out the enacting clause.

And on the question, will the Senate concur in said amendment?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Lemon, Lomax, Morgan, Orr, Pennington, Stevens, Watts and Whitcomb—12.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Graham, Gregory, Linton, McKinney and Sering—8.

So said amendment was concurred in.

On motion of Mr. Orr, the further consideration of said bill was indefinitely postponed.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order resolved themselves into a committee of the whole Senate on the engrossed bill from the House of Representatives, entitled,

“An act to regulate the fees of the several officers therein named,” and after some time spent therein, the President resumed the chair and Mr. Worth reported the same with sundry amendments, which were read and concurred in generally, except the two following:

“1st. The Governor of the State of Indiana shall be and he is hereby allowed the annual salary of \$1300, which shall be audited by the Auditor of Public accounts and paid out of the Treasury quarterly, which shall be in full for all his services as Governor, and in full for all house rents, expenditures and charges whatever.

Mr. Morgan moved to amend said amendment by striking out “\$1300,” and inserting in lieu thereof “\$1200.”

A division of the question being called for, the question was upon striking out,

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Givens, Graham, Morgan, Pennington and Whitcomb—8.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Frisbie, Gregory, Lemon, Linton, Lomax, McKinney, Orr, Robb, Stevens, Watts and Worth—14.

So said motion was determined in the negative.

Said amendment was then concurred in.

The second amendment excepted to was then concurred in by the Senate.

Mr. Ewing moved to amend said bill by striking out “\$1 00,” the fee allowed to Clerks of courts for marriage licenses, and inserting in lieu thereof 25 cents.

Mr. Graham moved to amend said proposition by inserting 50 cents.

A division of the question being called for, the question was upon striking out.

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Ewing, Givens, Graham, Pennington, Robb and Whitcomb—7.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Fletcher, Frisbie, Gregory, Lemon, Linton, Lomax, Morgan, McKinney, Orr, Stevens, Watts and Worth—15.

So said motion was determined in the negative.

Mr. Fletcher moved further to amend said bill, by allowing to the President of the Senate and Speaker of the House of Representatives, each \$3 00 per day.

And on the question, shall said amendment be adopted,

The ayes and noes being demanded by two Senators.

Those who voted in the affirmative, are

Messrs. Fletcher, Frisbie, Morgan, M'Kinney, Stevens and Worth—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, Orr, Pennington, Robb, Watts and Whitcomb—16.

So said motion was determined in the negative.

Mr. Graham moved further to amend said bill by adding the following to the witnesses, to wit:

"Every witness summoned to attend the circuit court in behalf of the State, shall be allowed for every day's attendance in his own county, \$0 50; for every day's attendance in another county, including to and from the same \$1 00, to be paid out of the county treasury of the several counties, as other claims against counties are paid.

And on the question, shall this amendment be adopted?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Givens, Graham, Lemon, Linton, Lomax, Robb and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Fletcher, Frisbie, Gregory, Morgan, M'Kinney, Orr, Pennington, Stevens, Watts and Whitcomb—11.

And the Senate being equally divided the President voted in the affirmative,

So said amendment was adopted.

Ordered, That the amendments be engrossed and with the bill pass to a third reading.

On motion of Mr. Linton the committee of the whole Senate, to which was committed the bill to facilitate the opening of the Cumberland road and preserve the same from being obstructed or injured, was discharged from the further consideration thereof.

Said bill was then read the 3d time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

On motion of Mr. Linton the committee of the whole Senate was discharged from the further consideration of "the bill for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges.

Said bill was then read the 3d time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives, entitled, an act to relocate part of the state road leading from Fort Wayne in Allen county, in the direction to Fort Defiance in the State of Ohio,

And after some time spent therein, the President resumed the chair and Mr. Blair reported the same with an amendment which was read and concurred in by the Senate.

Said amendment was then ordered to be engrossed and with the bill pass to a third reading.

The Senate, according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives entitled, "an act to provide for the partition of real estate,"

And after some time spent therein, the President resumed the chair and Mr. Claypool reported the same with amendments, which were read and concurred in generally.

Said amendments were then ordered to be engrossed and with the bill read a third time,

And the Senate adjourned.

WEDNESDAY, JANUARY 26, 1831.

The Senate assembled.

Mr. Blair presented the petition of Jno. Brown of Perrysville, praying an act authorizing the county of Spencer to levy an additional tax for the purpose of liquidating his claims against said county, which was read, and,

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Robb, Given and Frisbie be the committee.

Mr. Stevens from the select committee to whom was referred an engrossed bill from the House of Representatives, entitled "an act concerning the scrip to be granted to the Michigan road contractors, and for other purposes,"

Reported, That they had had that bill under consideration, and had made several amendments, to wit: 1st, strike out the last line of the last section of said bill. 2nd. Add to said bill 14 new sections, which will be numbered from 4 to 17 inclusive.

In which amendments the concurrence of the Senate is requested.

Said amendments were then read and concurred in by the Senate.

Ordered, That they be engrossed and with the bill pass to a third reading.

Mr. Stevens from the select committee to whom was referred a bill of the Senate, entitled "A bill providing for selecting, surveying and selling the Michigan road lands,"

Reported, That they had examined the bill, and had engrafted its provisions in another bill on the subject of that road and therefore they recommend that the further consideration of said bill so referred to the committee as above stated, be indefinitely postponed; which was read, and said bill was indefinitely postponed.

Mr. Stevens from the select committee to which was referred the engrossed bill from the House of Representatives, entitled "an act providing for opening that part of the Michigan road between Logansport in Cass county and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river," reported the same back to the Senate without amendment.

Mr. Worth moved to re-commit said bill to a select committee, which was carried in the affirmative.

Ordered, That Messrs. Worth, Orr and Lomax be the committee.

Mr. Lomax from the select committee to which was referred an engrossed bill from the House of Representatives, entitled "an act to locate a state road from Connersville to Centreville by way of Goodlander's mill," reported the same with amendments which were read and concurred in by the Senate.

Ordered, That the amendments be engrossed and with the bill pass to a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills, entitled,

An act to legalize the sale of the school lands in the county of Madison;

An act to repeal an act therein named;

An act to regulate descents, distribution and dower;

An act to regulate the mode of summoning and empanneling grand and petit jurors;

An act to continue in force "an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th of March, 1826," approved January 11th, 1827;

I am directed to bring them to the Senate for the signature of their President.

Said enrolled bills having been signed by the President, were handed to the committee on enrolled bills to be by them presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT,

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bill of the House, entitled "An act regulating distress for rent," and to the engrossed "joint resolution of the state of Indiana."

They have passed an engrossed bill from the Senate, entitled "an act supplemental to an act entitled an act relative to foreign attachments," approved January 20, 1831, without amendment.

They have also passed engrossed bills of the House, entitled,

"An act to provide for changing part of the state road from Terre Haute through the New Discovery to Crawfordsville."

"An act making general appropriations for the year 1831."

"An act regulating the interest of money in the state of Indiana," and

"An act to authorize the agent of the state for the town of Indianapolis, to lay off the lands belonging to the state into lots and offer the same for sale."

They have also passed with amendments an engrossed bill from the Senate, entitled "an act regulating the jurisdiction and duties of justices of the peace."

In which amendments and the said bills of the House the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives, entitled "an act to provide for changing a part of the state road from Terre-Haute through the New-Discovery to Crawfordsville," was twice read, and,

On motion of Mr. Elair, laid on the table.

The engrossed bills from the House of Representatives, entitled "an act making general appropriations for the year 1831," and

"An act regulating the interest of money in the state of Indiana,"

Were severally read the first time and passed to a second reading.

The engrossed bill from the House of Representatives, entitled "an act to authorize the agent of state for the town of Indianapolis to lay off the lands belonging to the state into lots and offer the same for sale," was twice read and committed to a committee of the whole Senate and made the order of the day for to-morrow.

The Senate proceeded to consider the amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled,

"An act regulating the duties and jurisdiction of justices of the peace."

The 1st, 2d, 3d and 6th were severally read and agreed to by the Senate.

And on the question, shall the 7th amendment proposed by the House of Representatives to said bill, be concurred in, which reads as follows, to wit:

"Provided, all justices of the peace other than those living within the bounds of any corporation or county town, shall be allowed six cents per mile for travelling to file appeal papers in the Clerk's office of his county, to be collected as his other fees are:"

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Linton,

Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens and Worth—14.

Those who voted in the negative, are

Messrs. Blair, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Watts and Whitcomb—9.

So said amendment was concurred in.

The 8th, 9th, 10th and 11th amendments were severally read and concurred in.

The 4th and 5th amendments were read and disagreed to.

Ordered, That the House of Representatives be informed thereof.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature, the following enrolled bills, joint resolution and joint memorial as follows, to wit:

“An act to incorporate the Madison Insurance Company;”

“An act relative to the borough of Vincennes;”

“An act legalizing the proceedings of certain trustees therein named;”

“A joint resolution respecting the printing of a certain act therein named;” and

“A memorial and joint resolution for the relief of John Kimberlin.”

Mr. Worth from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act to regulate the mode of summoning and empanneling grand and petit jurors;

An act to regulate descents, distribution and dower;

An act to repeal an act therein named;

An act to legalize the sale of the school land in the county of Madison, and

An act to continue in force “an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th of March, 1826,” approved January 11, 1827;

And had found the same truly enrolled.

Mr. Graham introduced a joint resolution relative to the subject of an interchange of laws with other states, which was read the first time.

Said joint resolution was then read the 2d and 3d time, the rules having first been dispensed with, and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

The Senate proceeded to consider the orders of the day.

The engrossed bill of the Senate to incorporate the first school society in district No. 3, township No. 13, of range No. 13 east, in Fayette county;

The bill to establish a state road from Rome, in the county of Perry, to Petersburg, in Pike county, and for other purposes;

The bill to re-establish a part of the state road from Greencastle in Putnam county, via Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion county, to the state line in the direction of Springfield in Illinois, and

The engrossed bills from the House of Representatives entitled,

"An act to provide for the partition of real estate;"

"An act relocating part of the Greensburgh and Clinton state road," also,

The joint resolution of the Senate, to ascertain the number of paupers and insane persons who are a county charge, were severally read the third time and passed;

The bills of the House with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the proposed amendments to bills of the House, and the passage of the bills of the Senate, requested.

The engrossed bill from the House of Representatives, entitled,

"An act to relocate a part of the state road leading from Fort Wayne in Allen county, in the direction to Fort Defiance in the State of Ohio," was read the third time, and

On motion of Mr. Robb, laid on the table.

The engrossed bill from the House of Representatives, entitled,

"An act regulating the fees of the several officers and persons therein named," was read the third time.

Mr. Lemon moved to re-commit said bill to a select committee, with instructions so to amend the same, as to strike out of the witnesses' fees that part which allows a compensation to witnesses summoned in State cases, to be paid out of the respective county treasuries as other county claims are paid.

Mr. Gregory moved to amend said instructions by adding

thereto the following, "and also so much of said bill as allows officers to issue fee bills,"

And on the question, shall the proposition of Mr. Lemon be so amended?

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Gregory, Lomax and Morgan—4.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Lemon, Linton, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, and Whitcomb—18.

So said amendment was not adopted.

The question then recurring upon Mr. Lemon's proposition, The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Fletcher, Frisbie, Gregory, Lemon, Morgan, Orr, Sering, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Depauw, Ewing, Givens, Graham, Linton, Lomax, M'Kinney, Pennington, Robb and Stevens—11.

The Senate being equally divided, the motion was determined in the negative.

Said bill as amended then passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives, entitled,

"An act supplemental to an act providing means for the construction of the Wabash and Erie canal," and

The bill of the Senate of the same purport, and after some time spent therein, the President resumed the chair, and Mr. Clendenin reported the first named bill with amendments, the last without amendment, which amendments were read and concurred in generally.

Mr. Robb moved to amend said bill by striking the same out from the enacting clause and inserting in lieu thereof the following:

"Sec. 1. That the commissioner of the canal fund be and he is hereby required to deposit in some suitable place of security, either at Fort Wayne or Logansport, the spirit level and other articles belonging to the canal fund, if such place of security can be obtained: but if a proper place of security cannot at either of those places be conveniently obtained, the said commissioner of canal fund shall deposit the said spirit level for safe keeping with the Treasurer of State, who is hereby required to take charge of and to safely keep the same.

Sec. 2. That the other canal commissioners be and they are hereby discharged, and the term of service of the commissioner of canal fund shall cease so soon as he shall have discharged the duties of him required by this act.

Sec. 3. That any person or persons, owing interest on money due for canal lands, are hereby authorized to pay such interest to the Treasurer of State, who is hereby required to receive and receipt for the same, and any purchaser or purchasers of canal lands, or their legal representatives, who may desire to complete the payment for any tract or tracts by them purchased, are hereby authorized to pay the balance due on such tract, to the Treasurer of State, who is hereby required to receive the same, and on complete payment being so made for any tract, the said Treasurer of State, shall give to such purchaser or his legal representative, so completing the payment, a final certificate, which shall entitle such purchaser or his legal representative, to receive a patent, agreeably to the provisions of the act to which this is a supplement.

Sec. 4. So much of the act entitled "an act to provide means to construct the portion of the Wabash and Erie canal within the state of Indiana, as in any manner authorises any future sale, or the re-exposing to sale any of the canal lands, and as allows to the Secretary of State, an annual compensation, shall be, and the same is hereby repealed: this act is to take effect, and be in force, from and after its passage."

Mr. Gregory moved to recommit said bill to a select committee with instructions to confine the improvements to the four

first stations south of the river St. Mary, amounting in all to one mile and 79 chains, and to be completed on or before the first Monday of December next, and to be under the superintendence of David Burr, and not to require the duties of an engineer.

Mr. Claypool moved to amend said instructions as follows:

"And also to stop the sales of the canal lands, until an arrangement can be made with Ohio, for the construction of that part of the said canal, situated in said State," which was determined in the negative.

Mr. Linton moved to amend said instructions as follows:

"And to require the said commissioner, to perform all the duties required of the present board, in reference to the receipt of interest on balances due for lands sold, and all other duties in regard to the lands sold or unsold, except so much as is repealed by the existing bill." Which motion was carried in the affirmative.

Mr. Graham moved further to amend said instructions, by striking out that part which authorizes the immediate commencement of the canal.

And on the question, shall said instructions be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Fletcher, Givens, Graham, Lemon, Lomax, Morgan, Pennington and Robb—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Frisbie, Gregory, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—13.

So said amendment was determined in the negative.

The question then recurring on Mr. Gregory's proposition as amended,

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Claypool, Frisbie and Morgan—3.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Linton, Lomax, M'Kinney, Orr, Pennington, Robb, Sering, Stevens, Watts, Whitcomb and Worth—19.

So said motion was determined in the negative.

The question then recurring on the amendment proposed by Mr. Robb.

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—11.

So said motion prevailed.

And on the question, shall said amendment be engrossed, and with the bill pass to a third reading?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—11.

So said amendments were ordered to be engrossed for a third reading.

Mr. Robb moved to postpone the further consideration of the bill of the Senate, entitled, "A bill supplemental to an act providing means for the construction of the Wabash and Erie canal, until the first Monday in August next."

And on the question, shall this bill be so postponed?

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens,

Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—11.

So said bill was indefinitely postponed.

The Senate according to order, resolved themselves into a committee of the whole, on the bill incorporating congressional townships, and for providing public schools therein, and after some time spent therein, the President resumed the chair, and Mr. Depauw reported progress, and asked leave to sit again, which leave was granted by the Senate.

And the Senate adjourned.

THURSDAY, JANUARY 27, 1831.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has agreed to the 1st and 2d, and disagreed to the 3d amendment proposed by the Senate to the engrossed bill of the House entitled,

"An act to relocate the county seat of St. Joseph county."

They have passed engrossed bills and a memorial from the Senate, entitled,

"An act to relocate part of the state road leading from the Jeffersonville state road on the west side of Silver creek, to the lower falls of Driftwood fork of White river;"

"An act to regulate marriages," and

"A memorial of the General Assembly of the State of Indiana, to the Congress of the United States, soliciting an alteration in the compact of 1816, by which, lands sold by the United States, are not liable to taxation for five years from and after the day of sale."

The first without, the two last with an amendment to each.

They have also passed engrossed bills and a joint resolution of the House entitled,

"An act concerning the corporation of the town of Lawrenceburgh;"

"An act supplementary to an act entitled an act to incorporate a company to make a turnpike road from New Albany in Floyd county, to Vincennes in Knox county;"

"An act concerning the town of Crawfordsville," and

"A joint resolution for the relief of Robert Patterson."

In which bills of the House and the amendments to the bill, and memorial from the Senate, the concurrence of the Senate is requested.

On motion the Senate receded from the third amendment proposed by them, and disagreed to by the House, to the engrossed bill from the House of Representatives entitled,

"An act to relocate the county seat of St. Joseph county."

Ordered, That the House of Representatives be informed thereof.

On motion the Senate disagreed to the amendment proposed by the House of Representatives to the engrossed bill of the Senate entitled,

"An act to regulate marriages."

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the engrossed memorial of the General Assembly of the State of Indiana to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States, are not liable to taxation for five years from and after the day of sale.

On motion, the Senate concurred in said amendment.

Ordered, That the House of Representatives be informed thereof.

The joint resolution from the House of Representatives for the relief of Robert Patterson, and

The engrossed bill from the House of Representatives, entitled,

"An act concerning the town of Crawfordsville," were severally read the first time and passed to a second reading.

The engrossed bill from the House of Representatives, entitled,

"An act supplementary to an act to incorporate a company to make a turnpike road from New Albany in Floyd county,

to Vincennes in Knox county," was twice read and passed to a third reading.

The engrossed bill from the House of Representatives, entitled,

"An act concerning the corporation of the town of Lawrenceburgh," was read twice, and

On motion of Mr. Watts, referred to a select committee.

Ordered, That Messrs. Watts, Stevens and M'Kinney be the committee.

The Senate proceeded to consider the 4th amendment proposed by the House, to the engrossed bill of the Senate entitled,

"An act regulating the jurisdiction and duties of justices of the peace."

Mr. Graham moved that the Senate insist on their disagreement to said amendments, and that a committee of free conference be appointed on the part of the Senate to take into consideration the disagreeing vote of the two Houses on said amendment and that a similar committee be requested on the part of the House.

Ordered, That Messrs. Graham and Whitcomb be the committee.

The Senate then proceeded to consider the 5th amendment proposed by the House to said bill.

Mr. Pennington moved to recede from said amendment, which was determined in the negative.

Mr. Graham moved that the Senate insist on their disagreement to said 5th amendment, and that the same committee of free conference appointed to take into consideration the disagreeing votes of the two Houses on the 4th amendment to said bill, be appointed on the 5th amendment, and that the House of Representatives be informed thereof, and a similar committee on their part requested.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act to provide for the partition of real estate;"

"An act to relocate part of a state road leading from

Fort Wayne in Allen county, in the direction to Fort Defiance in the State of Ohio," and

"An act relocating part of the Greensburgh and Clinton state road."

They insist upon the 4th and 5th amendments, proposed by them to the engrossed bill from the Senate, entitled,

"An act regulating the jurisdiction and duties of justices of the peace."

The House has agreed to the 1st, 2d, 4th, 7th, 8th, 9th, 10th, 11th, 14th, 16th, 17th, 18th, 19th, 20th and 21st amendments, and to the second branch of the 15th amendment, proposed by the Senate, to the engrossed bill of the House, entitled "an act regulating the fees of the several officers and persons therein named," and has disagreed to the 3d, 5th, 6th, 12th and 13th amendments, and to the 3d and 4th branches of the 15th amendment to said bill.

They have also agreed to the first branches of the 15th amendment; in which the concurrence of the Senate is requested.

The Senate proceeded to consider the 3d, 5th, 6th 12th and 13th amendments, and the 3d and 4th branches of the 15th amendment proposed by them to the engrossed bill from the House of Representatives, entitled "an act regulating the fees of the several officers and persons therein named," to which amendments the House disagree.

On motion, the Senate recede from the 5th, 6th and 12th amendments.

Mr. Claypool moved, that the Senate recede from their 13th amendment to said bill, which reads as follows, to wit:

"Every witness summoned to attend the circuit court in behalf of the State, shall be allowed, for every witness summoned, to attend the circuit court in behalf of the State, shall be allowed for every day's attendance, in another county, including travelling to and from the same, \$1 00, to be paid out of the county Treasuries of the several counties, as other county claims are paid."

And on the question, will the Senate recede from said proposed amendment?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Fletcher, Frisbie, Gregory, Leron, Morgan, M'Kinney, Orr, Sering, Stevens, Watts and Whitcomb—14.

Those who voted in the negative, are

Messrs. Blair, Depauw, Givens, Graham, Linton, Lomax, Pennington, Robb and Worth—9.

So said motion was carried in the affirmative.

On motion of Mr. Pennington, the Senate concurred in the amendment proposed by the House to the first branch of the 15th amendment proposed by the Senate to said bill.

The Senate insist on the 3d and 4th branches of the 15th amendment proposed by them to said bill.

Ordered, That the House of Representatives be informed thereof.

Mr. Morgan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to which was referred an engrossed bill from the House of Representatives, entitled "an act for the relief of David Buchanan, security of Joseph C. Reed, deceased," report the same back to the Senate without amendment, and ask to be discharged from the further consideration of that subject, and recommend that the same be referred to the committee on the affairs of the town of Indianapolis.

Which was read, and the committee discharged.

Ordered, That said bill be referred to the committee on the affairs of the town of Indianapolis.

Mr. Worth, from the select committee on that subject, made the following report:

MR. PRESIDENT:

The select committee, to which was referred an engrossed bill from the House of Representatives, "providing for opening that part of the Michigan road, between Logansport, in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river," have had said bill under consideration, and report the same with two amendments thereto.

Said amendments were read and concurred in.

Ordered, That they be engrossed, and with the bill, pass to a third reading.

Mr. Pennington, from the select committee, to which was

referred an engrossed bill from the House of Representatives entitled "an act regulating the taking up of animals going estray, and water crafts, and other articles of value adrift," with amendments, which were read and concurred in.

Ordered, That said amendments be engrossed, and with the bill, pass to a third reading.

On motion of Mr. Linton,

Resolved, That the State Printer be authorized to commence the Revised laws of this session by printing the declaration of Independence of July 4, 1776; the Constitution of the United States and amendments; the act of Virginia authorizing the delegates of said state in Congress to convey to the United States all the right of said state to the territory north west of the Ohio river; an act of Virginia concerning the territory ceded by said state to the United States 30th December 1788; the 7th and 11th sections of an act of Virginia entitled an act concerning the creation of the district of Kentucky in to an independent state 18th December, 1789; an ordinance of Congress on the Government of the territory of the United States north west of the Ohio river, 13th of July, 1787; an act of Congress to provide for the Government of the Territory north west of the Ohio river, 7th August, 1789;

An act of Congress forming the territory of Indiana, May 7th, 1800; an act of Congress dividing the territory of Indiana into separate governments, 3d February, 1809; an act to enable the people of Indiana territory to form a Constitution and state Government and for the admission of such state into the Union, 19th April, 1816; Constitution of Indiana; the acts of Congress now in force respecting the naturalization of foreigners.

Mr. Lomax introduced a bill for the relief of Ruth Thompson, which was read the first time and passed to a second reading.

On motion of Mr. Pennington the vote indefinitely postponing the engrossed bill from the House of Representatives, entitled "an act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife, was re-considered.

And on the question, shall this bill pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Graham,

Gregory, Lemon, Linton, M'Kinney, Orr, Pennington and Stevens—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Givens, Lomax, Morgan, Robb, Sering, Watts and Whitcomb—10.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Morgan moved to re-consider the vote postponing the engrossed bill from the House of Representatives, entitled "an act for the relief of purchasers of land in the reserve township of land in Monroe county," which was carried in the affirmative.

The question recurring, shall the bill be indefinitely postponed?

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair and Watts—2.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, M'Kinney, Orr, Pennington, Robb, Sering, Stevens and Whitcomb—20.

So said bill was not indefinitely postponed.

Mr. Depauw moved to commit said bill to a select committee, which was carried in the affirmative.

Ordered, That Messrs. Whitcomb, Depauw and Robb be the committee.

Mr. Gregory moved to instruct said committee that if, on the north or west tier of sections in said township, any of the tracts sold should contain a greater quantity than sold by the commissioner for, that the purchaser of such tract should pay the excess to such commissioner, which motion was determined in the negative.

The engrossed bill from the House of Representatives, en-

titled "an act regulating the interest of money in the state of Indiana," was read the second time, when

Mr. Morgan moved to strike out that part of said bill which reads as follows:

"Unless the agreement to pay a higher rate of interest be made in writing and to be signed by the party to be charged."

And on the question, shall these words be stricken out?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Ewing, Givens, Gregory, Lemon, Lomax, Morgan, M'Kinney, Pennington, and Watts—10.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Graham, Linton, Orr, Robb, Sering, Stevens and Whitcomb—12.

So said motion was determined in the negative.

And on the question, shall this bill pass to a third reading?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Graham, Linton, Orr, Robb, Sering, Stevens and Whitcomb—12.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Givens, Gregory, Lemon, Lomax, Morgan, M'Kinney, Pennington and Watts—10.

So said bill passed to a third reading.

The engrossed bill from the House of Representatives, entitled "an act making general appropriations for the year 1831," was read the second time.

Mr. Orr moved to amend said bill by striking out the \$150 00, the appropriation for Adjutant and Quarter Master General's salary, and inserting \$200, which was carried in the affirmative.

Ordered, That the amendment be engrossed, and with the bill, pass to a third reading.

The engrossed bill from the House of Representatives, entitled "an act supplemental to an act providing means for the

construction of the Wabash and Erie canal," was read the third time.

Mr. Ewing moved to re-commit said bill to a select committee with instructions to frame a bill to provide for a commencement of the work within the amount of canal funds actually received in cash for canal lands sold and now on hand,—authorizing David Burr to proceed and place under contract stations marked No. 1, 3, 4, 5, 7, 8, 10, 11, 12, 13 and 14, on the middle division of the canal line, as returned by J. Ridgeway, jr. State Engineer, estimated by him to cost seventeen thousand six hundred and ninety-one dollars and fifty-one cents, and embracing five miles and thirty-six chains of said line. Said contracts in all cases to be within the estimates of said Engineer for the labor required—with other amendments to secure said work.

And on the question, shall this bill be so re-committed?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—12.

So said motion to re-commit was determined in the negative.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the engrossed bill from the House of Representatives, entitled "an act supplemental to an act providing means for the construction of the Wabash and Erie canal,"

And on the question, shall this bill pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frishie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Linton, M'Kinney, Orr, Sering, Stevens, Watts, Whitcomb and Worth—11.

So said bill passed with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

Mr. Blair moved to amend the title of said bill by striking out "construction," and inserting "destruction."

And on the question, shall the title of said bill be so amended?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Fletcher, Linton, Morgan, Orr, Stevens, Watts and Worth—8.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Frishie, Givens, Graham, Gregory, Lemon, Lomax, M'Kinney, Pennington, Robb, Sering and Whitcomb—15.

So said motion was determined in the negative.

The engrossed bill from the House of Representatives, entitled "an act to locate a state road from Connersville by way of Goodlander's mill to Centreville in Wayne county," was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

On motion of Mr. Linton,

The engrossed bill of the Senate, entitled "an act for the re-location of the state road from Bono to Terre-Haute," was taken up.

The amendments proposed by the House to said bill were then considered by the Senate.

On motion of Mr. Linton,

The 1st and 2d amendments were disagreed to, and the 3d, 4th and 5th agreed to by the Senate.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act concerning the scrip to be granted to the Michigan road contractors, and for other purposes," was read the third time and passed with amendments.

On motion of Mr. Stevens, the title was amended so as to read, "an act concerning the Michigan road lands, and for other purposes."

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

Mr. Sering, from the committee of free conference, made the following report:

MR. PRESIDENT,

The committee of free conference, appointed to take into consideration the disagreement between the two Houses, on a bill entitled, "an act for the apportionment of Senators and Representatives in the General Assembly of this State," have had the same under consideration, and have agreed to the amendment made by the House of Representatives, to the bill of the Senate, modified as follows, to wit:

An act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, that for the purpose of electing Senators to the General Assembly of this State, for the ensuing five years, the State shall be, and is hereby, divided into the following districts, to wit:

The counties of Wayne, Dearborn, Washington, Harrison, Jefferson, Rush, Putnam and Franklin, one district each.

The counties of Switzerland and Ripley, one district.

The counties of Decatur and Shelby, one district.

The counties of Bartholomew and Johnson, one district.

The counties of Fayette and Union, one district.

The counties of Clark and Floyd, one district.

The counties of Orange and Lawrence, one district.

The counties of Parke and Vermillion, one district.

The counties of Montgomery and Clinton, one district.

The counties of Henry, Madison and Hancock, one district.

The counties of Jackson, Jennings and Scott, one district.

The counties of Morgan, Hendricks and Boone, one district.

The counties of Vigo, Sullivan and Clay, one district.

The counties of Monroe, Owen and Green, one district.

The counties of Knox, Daviess and Martin, one district.

The counties of Gibson, Pike and Dubois, one district.

The counties of Posey, Vanderburgh and Warrick one district.

The counties of Spencer, Crawford and Persy, one district.

The counties of Marion, Hamilton and all the territory north to the great Miami reservation, one district.

The counties of Fountain, Warren and all the territory north of Warren, to the line dividing township No. twenty five and twenty six, one district.

The counties of Tippecanoe, Carroll, Cass and all the territory west of Carroll and Cass, and not attached to the counties of Fountain and Warren, one district.

The counties of Randolph, Delaware, Allen, St. Joseph, Elkhart and all the territory not otherwise attached, one district, and each of the said districts shall be entitled to elect one Senator.

Sec. 2. That for the purpose of electing Representatives to the General Assembly, the several counties shall be entitled, for the ensuing five years, to elect members as follows, to wit:

The counties of Wayne and Dearborn, three each.

The counties of Washington, Jefferson, Harrison, Rush, Putnam, Tippecanoe, Parke, Vermillion, Franklin and Clark, two each.

The counties of Posey, Gibson, Crawford, Monroe, Greene, Owen, Sullivan, Switzerland, Ripley, Jennings, Jackson, Scott, Johnson, Bartholomew, Floyd, Morgan, Hendricks, Shelby, Decatur, Henry and Marion, one each.

The counties of Vanderburgh and Warrick, one.

The counties of Perry and Spencer, one.

The counties of Pike and Dubois, one.

The counties of Madison and Hancock, one.

The counties of Randolph and Delaware, one.

The counties of Fayette and Union, one each, and one additional member to be elected alternately, by one of said counties, commencing with the county of Fayette.

The counties of Orange and Lawrence one each, and one additional member to be elected alternately by one of said counties, commencing with the county of Lawrence.

The county of Knox, two, and the counties of Daviess and Martin, one the first year, and the counties of Knox, Daviess and Martin, one each the second year, and so on alternately.

The county of Vigo, one, and the county of Clay, one, the

first year, and two to be elected jointly by both counties, the second year, and so on alternately.

The counties of Montgomery and Clinton, two, to be elected jointly the first year, and each county one, the second year, and so on alternately.

The county of Fountain, two the first year, and one the second year, and so on alternately.

The county of Warren and all the territory north, to the line dividing township twenty five and twenty six, one.

The counties of Hamilton, Boone and all the territory north to the great Miami reservation, one.

The counties of Carroll, Cass and all the territory west to the State line, and not attached to Warren, one.

The counties of Allen, St. Joseph, Elkhart and all the territory not otherwise attached, one.

This act to take effect and be in force from and after its publication.

And on the question will the Senate concur in this report?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Linton, Orr, Pennington, Robb and Sering—12.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Gregory, Lemon, Lomax, Morgan, McKinney, Stevens, Watts, Whitcomb and Worth—11.

So said report was concurred in.

Ordered, That the House of Representatives be informed thereof.

The Senate again, according to order, resolved themselves into a committee of the whole, on the bill to incorporate congressional townships, and providing for public schools therein, and after some time spent therein, the President resumed the chair, and Mr. Depauw reported the same with sundry amendments, which were read, and concurred in generally, except the four following, viz:

1st. Insert before "6 per cent." in the 23d and 27th sections of said bill, these words, "not less than."

And on the question, shall said amendment be concurred in?

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Graham, Linton, Orr, Robb, Sering, Stevens, Whitcomb and Worth—14.

Those who voted in the negative, are

Messrs. Ewing, Givens, Gregory, Lemon, Lomax, Morgan, M'Kinney, Pennington and Watts—9.

So said amendment was concurred in.

The 2d amendment excepted to, was concurred in unanimously.

And on the question will the Senate concur in the 3d amendment excepted to? it was carried in the affirmative.

And on the question will the Senate concur in the 4th amendment excepted to? it was determined in the negative.

Mr Robb then moved further to amend said bill by striking out "20" in the 3d section, the number necessary to order a sale of school lands, and insert in lieu thereof "30," which motion was determined in the affirmative.

Mr. Depauw moved further to amend said bill by striking therefrom the 44th section, which reads as follows, to wit:

SEC. 44. So soon as any district shall have any school house in readiness, and are desirous of having a school therein, the trustees of such district, shall call a meeting of the inhabitants thereof at such school house, and take the sense of such meeting whether they will suffer any proportion of the tax, if any tax be necessary, for the support of such school, to be raised in money, and if so, what proportion, and the time they may wish to employ a teacher; and such trustees shall transmit in writing a copy of such determination to the clerk of the township trustees, to be by him recorded. They shall also make out a list of all taxable property within their district, with the valuation thereof annexed, together with the names of the persons owning the same, which list shall be certified to the clerk of the township, and be by him filed.

And on the question, shall the 44th section of this bill be stricken out?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Graham, Lemon, Lomax, Morgan, Pennington, Robb, Watts and Whitcomb—12.

Those who voted in the negative, are

Messrs. Blair, Fletcher, Frisbie, Givens, Gregory, Linton, McKinney, Orr, Sering, Stevens and Worth—11.

So said section was stricken out.

Mr. Fletcher moved to strike out 37½ cents in the 39th section of said bill, the penalty per day for failing to attend in the erection of a school house, and insert "50 cents."

Mr. Watts moved to amend said proposed amendment, by inserting 75 cents.

A division of the question being called for, the question was upon striking out 37½ cents,

And on the question, shall it be so stricken out? it was determined in the affirmative.

And on the question shall 75 cents be inserted? it was determined in the negative.

The sum of 50 cents was then inserted by consent.

Mr. Robb moved further to amend said bill by striking out the four first lines of the 52d section, to the word "penalties," which motion was determined in the negative.

On motion of Mr. Whitcomb, the vote on striking out the 44th section of said bill was reconsidered.

Mr. Whitcomb moved to amend said section by adding the following proviso thereto, to wit:

"*Provided*, That no person shall be liable for such tax unless he or she wishes to, and does participate in the benefit of such school fund," which amendment was adopted.

The question then recurring on striking out said 44th section as amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Graham, Lemon, Lomax, Morgan, Pennington, Robb, Watts and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Givens, Gregory, Linton, McKimney, Orr, Sering, Stevens and Whitcomb—12.

So said motion was determined in the negative.

Said bill as amended was then ordered to be engrossed for a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills and a preamble and joint resolution, entitled,

“An act supplemental to an act entitled an act relative to foreign attachments, approved Jan. 20th, 1831;”

“An act regulating the practice in suits at law,” and

“A preamble and joint resolution of the General Assembly of the State of Indiana.”

I am directed to bring them to the Senate for the signature of their President.

The House has passed an engrossed bill from the Senate, entitled,

“An act to provide for the relocation of the seat of justice of Fountain county,” with one amendment.

In which the concurrence of the Senate is requested.

The President having signed said enrolled bills and preamble and joint resolution, they were handed to the committee on enrolled bills to be presented by them to the Governor for his approval and signature.

The Senate concurred in the amendment proposed by the House of Representatives, to the engrossed bill, entitled “An act to provide for the relocation of the county seat of Fountain county.”

Ordered, That the House of Representatives be informed thereof.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act regulating the practice in suits at law;

An act supplemental to an act entitled “an act relative to foreign attachments,” approved Jan. 20, 1831, and

A preamble and joint resolution of the General Assembly of Indiana;
And had found said bills truly enrolled.
And the Senate adjourned.

FRIDAY, JANUARY 28, 1831.

The Senate assembled.

The President laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT, }
Indianapolis, Indiana, Jan. 26, 1831. }

HON. MILTON STAPP,
President of the Senate,

Sir: Having received the resolutions of the Senate of the 12th inst. advising me of the action of that body, on the nomination of Isaac Blackford, John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme Court of the state of Indiana, and after maturely re-considering the subject of forming such court, and of persons to compose it, I cannot see that I can make any more judicious nomination than the one already made; therefore, return the *same* to the Senate with a respectful request, that the vote taken on the rejection of John T. M'Kinney and Stephen C. Stevens, may be re-considered.

I have the honor to be, Sir,

Very respectfully,

Your ob't. serv't.

J. BROWN RAY.

Which was read and laid on the table.

Mr. Blair presented the petition of Philip French praying for, and remonstrance of George Chapman and others against the location of a certain state road therein named; which was read, and,

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Orr and Linton be the committee.

Mr. Morgan presented the petition of Rue Pue and others, citizens of Rush county, praying that Joseph Nichols may not be removed from the situation of road commissioner on that

part of the road leading from Indianapolis to Rushville, which lies between the last named place and big Blue river; which was read, and,

On motion of Mr. Morgan, committed to the same committee of the whole to which was committed the bill making an appropriation of \$20,000 of the three per cent fund.

Mr. Robb presented the application of Basil B. Edmundson, collector of the revenue of Dubois county in the year 1826, praying that the ten per cent forfeiture which he paid on the revenue of that year, may be refunded; which was read, and,

On motion of Mr. Robb, referred to the committee of ways and means.

Mr. Fletcher, from the committee on the affairs of the town of Indianapolis, to which was referred the engrossed bill from the House of Representatives, entitled "an act for the relief of David Buchanan, security of Joseph C. Reed, deceased," reported the same without amendment.

Ordered, That said bill pass to a third reading.

Mr. Watts moved to take up the report of the select committee on the subject of the Governor's supplemental message nominating Supreme Judges, which was determined in the negative.

Mr. Lemon introduced a joint resolution providing for a survey of a contemplated canal route from Logansport via Indianapolis to the Falls of Ohio, which was twice read, and,

On motion of Mr. Orr, so amended as to commence "at some suitable point on the Wabash river," instead of at "Logansport."

Mr. Givens moved further to amend said joint resolution as follows, to wit:

"Add to the resolution the following—And also to examine the route between a point at or near the head of M'Arthur's Island on the Wabash, and a point at or near the head of Slim or Strait Island on the Ohio river, and report whether such route is practicable or not;" which was carried in the affirmative.

And on the question, shall said joint resolution pass to a third reading?

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Frisbie,

Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Robb, Sering, Stevens, Watts and Worth—19.

Those who voted in the negative, are

Messrs. Clendenin and Pennington—2.

So said joint resolution passed to a third reading.

The engrossed bill from the House of Representatives, entitled an act concerning the town of Crawfordsville," was read the second time and passed to a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has refused to concur in the Report of the committee of free conference appointed to take into consideration the subject matter of the disagreeing vote of the two Houses, on the engrossed bill from the Senate, entitled "an act for the apportionment of Senators and Representatives in the General Assembly of this state," and has receded from the amendment proposed by them to the said bill.

They have passed engrossed bills from the Senate of the following titles, viz:

"An act for the relief of insolvent debtors;"

"An act relating to county Seminaries;"

"An act for the relief of the Superintendent of the State Prison;"

"An act for the relief of Jesse Oneal;"

"An act to change part of the state road from the state line in a direction of Vandalia in the state of Illinois, by way of the points therein named to Greensburgh in Decatur county;"

"An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured;"

"An act for the appointment of trustees to receive deeds for lots or lands, given or purchased, for the use of schools, meeting-houses or masonic lodges;"

"An act to establish a state road from Rome, in the county of Perry, to Petersburg, in the county of Pike, and for other purposes."

The two first with and the residue without amendment.

They have also passed engrossed bills of the House, entitled,

“An act to provide for the commencement of a State House,” and,

“An act making further provisions for final settlements with road commissioners.”

In which bills of the House, together with the amendments to the said bills from the Senate, the concurrence of the Senate is requested.

The Senate disagreed to the amendment proposed by the House of Representatives to the engrossed bill of the Senate entitled, “an act for the relief of insolvent debtors.”

Ordered, That the House of Representatives be informed thereof.

The Senate disagree to the first, and concur in the second amendment proposed by the House of Representatives to the engrossed bill of the Senate, entitled “an act regulating county Seminaries.”

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled “an act to provide for the commencement of the State House,” was twice read, and,

On motion of Mr. Fletcher, committed to the same committee of the whole to which was committed the bill providing for the sale of lots in the town of Indianapolis.

The engrossed bill from the House of Representatives, entitled “an act making further provisions for final settlements with road commissioners,” was twice read and committed to a committee of the whole Senate and made the order of the day for to-morrow.

The engrossed joint resolution from the House of Representatives for the relief of Robert Patterson, was read the second time and ordered to a third reading.

The engrossed bill from the House of Representatives, entitled “an act making general appropriations for year 1831,” was read the third time and passed with an amendment.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendment requested.

The engrossed bill from the House of Representatives, entitled “an act regulating the interest of money in this State,” was read the third time.

And on the question, shall this bill pass?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Graham, Linton, Orr, Robb, Sering, Stevens, Whitcomb and Worth—13.

Those who voted in the negative, are

Messrs. Claypool, Givens, Gregory, Lemon, Lomax, Morgan, Pennington and Watts—8.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

The bill of the Senate, for the relief of Ruth Thompson, and,

The engrossed bill from the House of Representatives, entitled, "an act providing for that part of the Michigan road, between Logansport, in Cass county, and the county seat of St. Joseph county," was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments to the bill of the House, and the passage of the bill of the Senate requested.

Mr. Whitcomb, from the select committee, to which was referred the engrossed bill from the House of Representatives for the relief of certain purchasers of land, in the township of land in Monroe county, reported the same, with the following amendment:

A bill for the relief of certain purchasers of lands, in the reserved township of land in Monroe county.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, that wherever the real quantity of any half quarter section of land, situate in the reserved township of land, in Monroe county, which has been, or may hereafter be sold by the commissioner of said township, is or shall be less than eighty acres, such commissioner is authorized to receive from the purchaser of such half quarter section, the sum, from him, equitably due therefor, both principal and interest, and no more, taking into consideration, the sum undertaken to be paid by such purchaser, per acre for such land, and the real quantity of land in the same.

Sec. 2. If such purchaser has, or shall have paid to said commissioner, more of such purchase money than may be equitably due as aforesaid, such commissioner is authorised

to deduct the amount so overpaid, from any subsequent instalment or payment due from said purchaser to such commissioner, for any lands sold in the said township; or if no such subsequent instalment or payment may be due as aforesaid, then said commissioner is authorized to refund such over payment to such purchaser, out of any monies which may then or hereafter be in his hands, arising from sales of any lands in said township.

Sec. 3. Where any greater or less quantity than a half quarter section of land has been, or may, by said commissioner, be sold, he shall be governed by the provisions of this act as to refunding any overpayment, or deducting from any subsequent instalment or payment the amount of such over payment, or as to receiving only the sum equitably due for such quarter, or less quantity of land, so that the purchaser thereof, will have paid only such sum as is, or may be equitably due for the same, according to the real quantity of the land sold.

Sec. 4. The certificate of the county surveyor, of Monroe county, with his affidavit to the same, (who is to be paid for his services by the purchaser,) shall be evidence to such commissioner of the true quantity of land, contained in any such tract so sold, or to be sold as aforesaid.

This act to be in force from and after its passage.

Mr. Robb moved to amend said amendment, by striking out the 4th section thereof.

Which was determined in the negative.

And on the question, shall said amendments be concurred in?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Lemon, Linton, Lomax, Morgan, Orr and Whitcomb—13.

Those who voted in the negative, are

Messrs. Blair, Gregory, Pennington, Robb, Sering, Stevens, Watts, and Worth—8.

So said amendment was concurred in.

The engrossed bill from the House of Representatives, entitled, "an act to incorporate a company to make a turnpike

road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes."

Mr. Lemon moved to lay said bill on the table.

Which was determined in the negative.

Said bill then passed.

Ordered, That the House of Representatives be informed thereof.

The bill incorporating congressional townships and providing for public schools therein, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT, }
Ind's. Ind'a. Jan. 26, 1831. }

HON. MILTON STAPP,

President of the Senate:

Sir:—I have heard that some doubts are entertained, that it was not the intention of the Executive, by his communication laid before the Senate this day, to renominate John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme court. Now, to remove all doubt, I hereby again nominate the aforementioned gentlemen for said office, and respectfully ask the advice and consent of the Senate to the same.

I have the honor to be,

Sir, very respectfully,

Your most ob't. serv't.

J. BROWN RAY.

Which was read, and,

On motion of Mr. Robb, the previous orders of the day were postponed, for the purpose of taking into consideration the communication of the Governor, nominating John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme court of the State of Indiana—absent Messrs. M'Kinney and Stevens.

On motion of Mr. Watts, the door of the Senate was closed.

Mr. Worth offered for adoption the following resolution:

Resolved, That the Senate advise and consent to the nomination of Stephen C. Stevens on this day made by the Governor, as Judge of the Supreme Court of the State of Indiana.

Mr. Pennington moved to amend said resolution by adding "do not" between "Senate" and "advise."

And on the question, shall the resolution be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lomax, Pennington, Watts and Whitcomb—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Lemon, Linton, Morgan, Orr, Robb, Sering and Worth—11.

So said amendment was not adopted.

And on the question, shall the resolution be adopted?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Lemon, Linton, Morgan, Orr, Robb, Sering and Worth—11.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lomax, Pennington, Watts and Whitcomb—10.

So said resolution was adopted.

Mr. Robb offered for adoption the following resolution:

Resolved, That the Senate advise and consent to the nomination of John T. M'Kinney, on this day made by the Governor, as Judge of the Supreme court of the State of Indiana.

And on the question, shall this resolution be adopted?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Frisbie, Lemon, Linton, Lomax, Morgan, Orr, Robb and Sering—11.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Pennington, Watts, Whitcomb and Worth—10.

So said resolution was adopted.

And on motion of Mr. Robb,

Resolved, That the Governor be informed of the adoption of the foregoing resolutions.

On motion of Mr. Morgan, it was resolved that the injunction of secrecy be taken off from the nomination of John T. M'Kinney and Stephen C. Stevens, to be Judges of the Supreme court of Indiana, and all proceedings thereon, and that they appear on the Journals of the Senate.

The door of the Senate was then opened.

The engrossed bill from the House of Representatives, entitled, "an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift," was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments to said bill requested.

The Senate according to order, again resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "an act concerning tenants at will holding over," and after some time spent therein the President resumed the chair, and Mr. Pennington reported progress, and asked leave to sit again, which was not granted by the Senate.

Mr. Linton moved to recommit said bill to a select committee of Messrs. Whitcomb, Graham and Fletcher, which was consented to by the Senate.

The Senate according to order, resolved themselves into a committee of the whole, on the bill of the Senate, "declaring certain streams navigable, and after some time spent therein, the President resumed the chair, and Mr. Ewing reported the same with amendments, which were read and amended on motion of Mr. Morgan, and before the question of concurrence was taken,

On motion of Mr. Ewing, said bill, with its proposed amendments, was laid on the table.

A message from the Governor, by Mr. Forsee, his private Secretary:

MR. PRESIDENT,

I am requested by his Excellency the Governor, to inform

the Senate, that he did on the 26th of this month, approve a joint resolution respecting the printing of a certain act therein named; also, an act to incorporate the Madison insurance company. Both of which have been filed in the Secretary's office, on this day.

Mr. Fletcher from the joint committee on enrolled bills, reported, that they did on this day present to the Governor for his approval and signature the following enrolled bills, entitled acts, to wit:

"An act to continue in force an act for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826, approved January 11, 1827."

"An act to regulate descents, distribution and dower."

"An act to regulate the mode of summoning and empanneling grand and petit jurors."

"An act to repeal an act therein named."

"An act to legalize the sale of the school land in the county of Madison."

"A preamble and joint resolution of the General Assembly of the State of Indiana."

"An act supplemental to an act, entitled, 'an act relative to foreign attachment,' approved January 20, 1831."

"An act regulating the practice in suits at law."

And the Senate adjourned.

SATURDAY, JANUARY 29, 1831.

The Senate assembled.

Mr. Fletcher presented the petition of George Norwood and others, citizens of Marion county praying an appropriation of a part of the 3 per cent. fund, on the State road between Indianapolis and Martinsville and the appointment of a *special* commissioner on that part of said road, which was read, and on motion of Mr. Fletcher, referred to the committee on roads.

Mr. Graham from the committee of ways and means made the following report.

MR. PRESIDENT:

The committee of ways and means to whom was referred the annual report of the Auditor of public accounts, and Treasurer of State, have examined the same, together with the books of said officers, and

Report, That they find the reports and books of the respective offices to tally correctly.

The books of said officers are kept in a neat and accomptant like manner, highly creditable to both of those officers.

Your committee deemed a detailed report unnecessary, that being more properly the province of an other branch of this Legislature,

Which was read and the committee discharged.

Mr. Claypool, from the select committee on that subject, reported a bill providing means to erect a bridge over the west fork of White Water river at Comersville,

Which was read the first time and passed to a second reading.

Mr. Sering from the select committee on that subject made the following report, to wit:

MR. PRESIDENT:

The select committee to which was referred the petition of John Vawter and other citizens of Jennings county, praying the passage of a law, to cause an obstruction to the navigation of the Muscatituck to be removed, have had the same under their consideration, and have directed me to

Report, That the obstruction complained of is caused by a bridge built under the authority of an act of the Legislature out of the three per cent. fund. That at the last session of the Legislature, the sum of three hundred dollars was appropriated to remove obstructions in said stream, that there has been a part of that appropriation expended in cutting the driftwood, and that there is still an unexpended balance which will probably be sufficient to remove the same. Your committee therefore ask to be discharged from the further consideration thereof,

Which was read and the committee discharged.

Mr. Ewing from the committee on canals and internal improvements, to which was referred a memorial of the State of Illinois in regard to certain obstructions, supposed to have been authorised by this State, to the navigation of the big Vermillion, reported a bill to repeal an act approved January 29, 1830, and to remove obstructions from said stream,

Which was read the first time and passed to a second reading.

Mr. Orr from the select committee to which was referred an engrossed bill from the House of Representatives entitled, "an act to establish a state road from Wm. Connelly's in Lawrence county, to Greencastle in Putnam county, reported the same with amendments, which were read and concurred in.

Ordered, That the amendments be engrossed and with the bill pass to a third reading.

Mr. Depauw from the select committee to which was referred an engrossed bill from the House of Representatives, entitled "an act respecting salines and saline reserves," reported the same with sundry amendments which were read and concurred in.

Said amendments were then ordered to be engrossed and with the bill pass to a third reading.

Mr. Whitcomb from the select committee to which was referred the petition of John Patton, reported a bill to construct a mill dam across the west fork of White river, which was read the 1st time and passed to a second reading.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act to provide for the re-location of the seat of justice of Fountain county;

An act to re-locate part of the state road leading from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of Driftwood fork of White river;

An act to locate a state road from Connersville by way of Goodlander's mill to Centreville;

An act regulating distress for rent;

An act for the re-location of part of the Greensburgh and Clinton state road;

An act regulating general elections;

An act to incorporate the town of Perrysville in the county of Vermillion;

An act to provide for the partition of real estate;

An act to incorporate the Shelby county seminary.

An act to re-locate part of a state road, leading from Fort Wayne in Allen county, in the direction of Fort Defiance in the State of Ohio, also,

A memorial of the General Assembly of the State of Indiana to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United

States are not liable to taxation for five years from and after the day of sale, and

A joint resolution of the General Assembly relative to the improvement of the Wabash and White rivers;

And had found the same truly enrolled.

The Senate proceeded to consider the orders of the day.

The engrossed bill for the relief of purchasers of lands in the reserve township in Monroe county, was read the 3d time.

And on the question shall this bill pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr and Whitcomb—15.

Those who voted in the negative, are

Messrs. Blair, Pennington, Robb, Sering, Watts and Worth—6.

So said bill passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the proposed amendments requested.

The engrossed bills from the House of Representatives entitled "an act for the relief of David Buchanan, security for Joseph C. Reed, dec'd."

"An act concerning the town of Crawfordsville," and

A joint resolution from the House of Representatives for the relief of Robert Patterson, were severally read the third time and passed without amendments.

Ordered, That the House of Representatives be informed thereof.

The joint resolution of the Senate, providing for a survey of a contemplated canal route from Logansport via Indianapolis to the falls of the Ohio river, was read the third time,

And on the question, shall this joint resolution pass?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Fris-

bie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Robb, Sering and Watts—17.

Those who voted in the negative, are

Messrs. Clendenin and Pennington,—2.

So said joint resolution passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

The Senate according to order resolved themselves into a committee of the whole, on the bill for the incorporation of county libraries, and after some time spent therein the President resumed the chair, and Mr. Fletcher reported the same with amendments which were read and concurred in generally.

Ordered, That said bill with its amendments be engrossed for a third reading.

The Senate according to order resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives entitled "an act for the appointment of county surveyors and their deputies, and after some time spent therein, the President resumed the chair, and Mr. Frisbie reported the same with amendments, which were read and concurred in generally, except the following:

"After "county," in the 4th line, insert, "by the boards doing county business in their respective counties, who shall receive a certificate of his appointment, attested by the clerk of the board, whose duty it shall be to record said appointment in the record books of his county.

And on the question, will the Senate concur in this amendment?

The ayes and noes being required by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Fletcher, Frisbie, Givens, Graham, Lemon, Linton, Orr, Pennington, Robb, Watts, Whitcomb and Worth—14.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Ewing, Gregory, Lomax, and Sering—6.

So said amendment was concurred in.

Ordered, That the amendments be engrossed, and with the bill, pass to a third reading.

The Senate, according to order, resolved themselves into a committee of the whole, on the bill concerning enclosures, and trespassing animals, and after some time spent therein, the President resumed the chair, and Mr. Givens reported the same with amendments, which were read and concurred in generally.

Ordered, That the bill, as amended, be engrossed for a third reading.

And the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The Senate, according to order, resolved themselves into a committee of the whole on the bill for the relief of the poor, and after some time spent therein the President resumed the chair, and Mr. Graham reported the same with amendments, which were read and concurred in generally.

Said bill was then amended, and ordered to be engrossed for a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives has appointed Messrs. Boon and Kinney, a committee of free conference on the part of the House, to take into consideration, the subject matter of the disagreeing vote of the two Houses, relative to the 4th and 5th amendments proposed by the House to the engrossed bill from the Senate, entitled, "an act regulating the jurisdiction and duties of Justices of the Peace."

They have agreed to the amendments proposed by the Senate, to the engrossed bill of the House, entitled, "an act to locate a state road from Connersville to Centreville, by way of Goodlander's mill," and have receded from the amendment proposed by them, to the engrossed bill of the Senate, entitled "an act to regulate marriages."

The House of Representatives has passed the following engrossed bill and joint resolution, from the Senate, entitled,

"An act to re-establish a part of the state road from Green-castle, in Putnam county, via Rockville and Beard's mill, in Parke county, Newport and Springfield, in Vermillion county, to the state line in the direction of Springfield, in Illinois,

And "a joint resolution, on the subject of an interchange of Laws with other States," without amendment.

They have agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act regulating the interest of money in the State of Indiana."

An act providing for opening that part of the Michigan road, between Logansport, in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river," and have disagreed to the amendment proposed by the Senate, to the engrossed bill of the House, entitled "an act making general appropriations for the year 1831."

They have receded from their disagreement to the 3d amendment and the 2d and 3d part (viz: 7th and 8th sections) of the 15th amendment proposed by the Senate, to the engrossed bill of the House, entitled, "an act regulating the fees of the several officers and persons therein named."

They have receded from the amendment proposed by them to the engrossed bill from the Senate, entitled, "an act for the relief of insolvent debtors," and from the 1st amendment proposed by them to the engrossed bill from the Senate, entitled,

"An act relating to county seminaries," and have agreed to the amendment proposed by the Senate, to the 3d amendment made by the House to said bill.

They have passed engrossed bills and joint resolutions of the House, entitled.

"An act for the relief of John M. Confied."

"An act legalizing the proceedings of the board of Justices of St. Joseph county."

"An act legalizing the proceedings of the board of county commissioners of Hendricks county."

"An act establishing certain state roads therein named, and for other purposes."

"An engrossed joint resolution, on the subject of the revised laws," and,

"An engrossed joint resolution of the General Assembly."

They have agreed to the 1st amendment proposed by the Senate to the engrossed bill of the House, entitled,

"An act concerning the scrip to be granted to the Michigan road contractors and for other purposes."

They have also agreed to the 2d amendment to said bill, with an amendment, in which, and the bills of the House above named, the concurrence of the Senate is requested.

The Senate concurred in the amendment proposed by the House of Representatives, to the amendment proposed by the Senate to the engrossed bill of the House of Representatives, entitled, "an act concerning the scrip to be granted to the Michigan road contractors, and for other purposes."

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, &c. entitled,

An act to provide for the relocation of the seat of Justice of Fountain county.

An act to relocate part of the state road leading from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of Driftwood fork of White river.

An act to locate a state road from Connersville, by way of Goodlander's mill, to Centreville.

An act regulating distress for rent.

An act regulating general elections.

An act for the relocation of part of the Greensburgh and Clinton state road.

An act to incorporate the town of Perrysville, in the county of Vermillion.

An act to provide for the partition of real estate.

An act to incorporate the Shelby county seminary.

An act to relocate part of a state road leading from Fort Wayne, in Allen county in the direction of Fort Defiance, in the State of Ohio.

An act to provide for electing county and township officers;

Also, a joint resolution of the General Assembly, relative to the improvement of the Wabash and White rivers.

A memorial of the General Assembly of the State of Indiana, to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States, are not liable to taxation for five years from and after the day of sale. I am directed to bring them to the Senate for the signature of their President.

The enrolled bills named in the foregoing message, having

been signed by the President, were handed to the committee on enrolled bills, to be by them presented to the Governor, for his approval and signature.

The bills of the House in the foregoing message, were severally read twice and ordered to a third reading.

The joint resolution from the House of Representatives of the General Assembly, was twice read, when Mr. Gregory moved to refer said joint resolution to the committee on the affairs of the town of Indianapolis, with instructions so to amend the same as to authorize the sale of the House erected on the Governor's circle, together with the circle, to the highest bidder, to be paid in ten equal annual instalments, for a sum not less than 6000 dollars, which motion was carried in the affirmative.

Mr. Gregory then moved to discharge the committee of the whole from the further consideration of the engrossed bill from the House of Representatives, entitled, "an act to provide for the commencement of a state House, and "an act to authorize the agent of State for the town of Indianapolis, to lay off the lands belonging to the State into lots, and offer the same for sale," which was carried in the affirmative.

Ordered, That said bills be referred to the committee on the affairs of the town of Indianapolis.

The engrossed joint resolution from the House of Representatives, on the subject of the revised laws, was twice read and committed to the same committee of the whole, to which was committed a joint resolution relative to binding the laws of the present session.

The Senate considered their proposed amendment to the engrossed bill from the House of Representatives, entitled "an act making general appropriations for the year 1831," to which amendment the House disagree.

On motion, the Senate receded from said proposed amendment.

Ordered, That the House of Representatives be informed thereof.

The Senate, according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "an act for assessing and collecting the revenue," and after some time spent therein, the President resumed the chair, and Mr. Gregory reported progress, and asked leave to sit again, which leave was granted by the Senate.

Mr. Fletcher, from the joint committee on enrolled bills,

reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, memorial and joint resolution, to wit:

• An act for the re-location of part of the Greensburgh and Clinton state road;

An act regulating general elections;

An act to incorporate the town of Perrysville in the county of Vermillion;

An act to provide for the re-location of the seat of justice of Fountain county;

An act regulating distress for rent;

An act to provide for electing county and township officers;

An act to provide for the partition of real estate;

An act to re-locate part of a state road leading from Fort Wayne in Allen county, in the direction of Fort Defiance in the State of Ohio;

An act to incorporate the Shelby county Seminary;

An act to locate a state road from Connersville by way of Goodlander's mill to Centreville;

An act to re-locate part of the state road leading from the Jeffersonville state road on the west side of Silver creek, to the lower falls of Driftwood fork of White river.

A memorial of the General Assembly of the State of Indiana to the Congress of the United States, soliciting an alteration in the compact of 1816 by which lands, sold by the United States, are not liable to taxation for five years from and after the day of sale;

A joint resolution of the General Assembly relative to the improvement of the Wabash and White rivers.

And the Senate adjourned.

MONDAY, JANUARY 31, 1831.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The House of Representatives has agreed to the amend-

ment proposed by the Senate to the engrossed bill of the House, entitled, "an act for the relief of the purchasers of land in the reserve township in Monroe county."

They have receded from the first amendment proposed by them to the engrossed bill of the Senate, entitled, "an act to provide for the re-location of the state road from Bono to Terre-Haute," and they insist on their second amendment to said bill.

On motion, the Senate receded from their disagreement to said second amendment.

Ordered, That the House of Representatives be informed thereof.

Mr. Graham from the committee of ways and means made the following report:

MR. PRESIDENT:

The committee of ways and means to whom was referred the application of Basil B. Edmundson, collector of the revenue of Dubois county for the year 1826, praying that the forfeiture which he paid on the revenue of that year may be refunded,

Report, That they have had the subject under consideration, and consider that it would be but an act of justice to refund the said forfeiture, which, from a certificate of the State Treasurer, appears to have been \$6 51; as it evidently appears from the accompanying documents, that the said collector was, by high water, prevented from making payment of the revenue into the treasury at the proper time.

They therefore recommend that an appropriation in favour of said collector be made in the act making special appropriations.

Which was read and laid on the table.

Mr. Gregory from the committee on roads made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred the petition of Rue Pue and others, praying that Joseph Nichols be retained as a commissioner on the state road leading from Rushville to Indianapolis, agree that the name of Joseph Nichols be retained in the bill for the distribution of \$20,000 of the three per cent fund, as a commissioner on said road.

Which was read and concurred in.

Mr. Watts presented for consideration the following resolution, viz:

Resolved, That the great weight of moral character, stern integrity, legal ability and faithful services of the Hon. James Scott and Jesse L. Holman, late Judges of the Supreme Court of the state of Indiana, well deserve the approbation of the people of this state.

Mr. Whitcomb moved to amend said resolution by adding thereto the following:

"And the thanks of the Senate are cheerfully accorded them for their past services."

Which amendment was accepted by the mover.

And on the question, shall the resolution as amended be adopted? it was carried unanimously in the affirmative.

On motion of Mr. Lomax,

Resolved, That the committee on claims be requested to inquire into the expediency of allowing David Hoover twenty three dollars eighteen and three-fourth cents, for services by him rendered as clerk of the Wayne circuit court, in a suit instituted by the Treasurer of State against Wm. M'Lane, late Sheriff of Wayne county.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act for the relief of the Superintendent of the State Prison;

An act to establish a state road from Rome in the county of Perry to Petersburg in the county of Pike and for other purposes;

An act to change a part of the state road from the state line in the direction of Vandalia in the state of Illinois by way of the points therein named to Greensburgh in Decatur county.

An act for the relief of Jesse Oneal; and

An act for the apportionment of Senators and Representatives in the General Assembly of this state;

And had found said bills truly enrolled.

Mr. Graham from the committee of free conference made the following report:

The joint committee of free conference appointed on the disagreeing votes of the Houses in relation to the fourth and fifth amendments of the House of Representatives to the bill of the Senate "regulating the jurisdiction and duties of Justices of the Peace," have agreed that the House of Representa-

tives recede from the 4th amendment to said bill, and insert at the end of the 35th line of the 45th section these words, to wit: "Provided, if the first execution be returned no property found; in that case it shall not be necessary for the Justice to issue a second execution unless required by the judgment creditor, his or her agent."

The committee have agreed that the House of Representatives recede from their fifth amendment, and agree to insert in the 62d section after the word "papers;" these words, "except process."

Which was read and disagreed to by the Senate.

Ordered, That the House of Representatives be informed thereof.

A message from the Governor; by Mr. Forsee, his private Secretary:

Mr. PRESIDENT;

I am requested by his Excellency the Governor, to inform the Senate that he did approve on the 29th of this month and filed in the Secretary's office on this day, the following acts, joint resolutions and memorials:

An act regulating the practice in suits at law;

An act to incorporate the town of Perrysville in the county of Vermillion;

An act to incorporate the Shelby county seminary.

An act to re-locate part of the state road leading from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of Driftwood fork of White river;

An act supplemental to an act entitled an act relative to foreign attachments, approved January 20th, 1831;

An act regulating the mode of summoning and empanneling grand and petit jurors;

An act to provide for the re-location of the seat of justice of Fountain county;

A preamble and joint resolution of the General Assembly of the state of Indiana;

A memorial of the General Assembly of the State of Indiana to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States are not liable to taxation for five years from and after the day of sale.

The bill to authorize John Patton to build a mill dam across the west fork of White river, was read the second time; and;

On motion of Mr. Robb, the further consideration thereof was indefinitely postponed.

On motion of Mr. Fletcher, the engrossed bill from the House of Representatives, entitled, "an act authorizing David Williams to erect a mill dam across the west fork of White river," was taken up.

On motion, said bill was then indefinitely postponed.

The bill providing means to erect a bridge over the west fork of White Water river at Connersville, was read the second time, and,

On motion of Mr. Lemon, laid on the table.

The bill to repeal an act approved January 29, 1830, and to remove obstructions from the Big Vermillion river, was read the second time, and,

On motion of Mr. Gregory, referred to a select committee.

Ordered, That Messrs. Gregory, Fletcher and Blair be the committee.

The engrossed bills from the House of Representatives, entitled acts as follows:

"An act concerning enclosures and trespassing animals;"

"An act for the appointment of county surveyors and their deputies;"

"An act respecting salines and saline reserves;"

"An act to establish a state road from William Connelly's in Lawrence county to Greencastle in Putnam county;"

Also engrossed bills of the Senate, entitled, "an engrossed bill for the incorporation of county libraries," and

"An engrossed bill for the relief of the poor," were severally read the third time and passed, the bills of the House all with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments to the bills of the House, and the passage of the bills of the Senate requested.

The engrossed bill from the House of Representatives, entitled, "an act for the relief of John M. Coonfield," was read the third time, amended by consent on motion of Mr. Fletcher, and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendment requested.

The engrossed bill from the House of Representatives, entitled "an act legalizing the proceedings of the board of commissioners of Hendricks county," was read the third time, and,

On motion of Mr. Fletcher, referred to a select committee.

Ordered, That Messrs. Fletcher, Orr and Frisbie be the committee.

The engrossed bill from the House of Representatives, entitled "an act legalizing the proceedings of the board of justices of St. Joseph county," was read the third time and laid on the table.

The engrossed bill from the House of Representatives, entitled "an act establishing certain state roads therein named and for other purposes," was read the third time, and,

On motion of Mr. Frisbie, referred to a select committee.

Ordered, That Messrs. Frisbie, Givens and Robb be the committee.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order again resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives, entitled, "an act assessing and collecting the revenue;" and after some time spent therein, the President resumed the chair and Mr. Gregory reported progress and asked leave to sit again, which leave was granted by the Senate.

Mr. Fletcher from the joint committee on enrolled bills, reported that they did on this day present to the Governor for his approval and signature the following enrolled bills entitled acts, to wit:

An act for the relief of the Superintendent of the State prison;

An act for the apportionment of Senators and Representatives in the General Assembly of this state;

An act for the relief of Jesse Oneal;

An act to establish a state road from Rome in the county of Perry to Petersburg in the county of Pike and for other purposes;

An act to change a part of the state road from the state line in the direction of Vandalia in the state of Illinois, by the way of the points therein named, to Greensburgh in Decatur county.

And the Senate adjourned.

TUESDAY, FEBRUARY 1, 1831.

The Senate assembled.

Mr. Sering presented the petition of Scott R. Graham and others, heirs of William Graham, deceased, praying certain relief therein mentioned, which was read, and,

On motion of Mr. Sering, referred to the same committee to which was referred the engrossed bill of the House of Representatives for the relief of the heirs of Caleb Shelledy deceased.

Mr. Graham, from the committee of ways and means to which was referred a resolution of the Senate, instructing them to inquire into the causes of the scarcity of salt, and the expediency of encouraging the manufacture of that essential article within this State, made the following report:

MR. PRESIDENT:

The committee of ways and means, to whom was referred the resolution of the Senate, instructing them to inquire into the cause of a continued dependence of our citizens, on neighbouring States, for the article of salt, and whether it be advisable and expedient for the State to offer aid and encouragement to establish a domestic manufacture of the article, and if a loan of any funds at the disposal of the State, should be authorized to assist enterprising citizens engaged in boring for salt water; have maturely considered the subject referred to them, and submit the following report:

The resolution presents three questions: **First.** Why are our citizens dependent on the neighbouring States for the article of salt? **Second.** Should this State offer encouragement and aid to establish a domestic manufacture of that article? **Third.** Will the State loan money to aid individual enterprise, in the manufacture, and if so, what security will be required?

1. Without entering largely into a discussion of the first proposition, your committee would state, that a considerable amount of money and labour has been expended in boring for salt water, in different parts of the State, with but little success. Whether the failure has been owing to the scarcity of water or the want of capital, perseverance or skill, on the part of those concerned, your committee deem it unnecessary to decide. Perhaps each of those causes may have had more or less agency in producing the unfavorable results complained of.

Salt being an indispensable article, of general and daily consumption, our citizens naturally purchase from the neighbouring States, wherever the article can be obtained at the lowest price. The great extent of the salt manufactures on the Kenhawa, has enabled, and will continue to enable the proprietors thereof, to supply a large portion of this State, even in those districts where salt is manufactured, at a price rather lower than our manufacturers say they can afford to sell. So long as this continues to be the case will our citizens be more or less dependent on the neighbouring States for that essential article.

2. Should this State offer encouragement and aid to establish a manufacture of the article, within the same?

Your committee believe individual enterprize and industry sufficient to bring into successful operation all the salt springs and wells yet discovered. Although the State owns some small reservations containing salt springs, yet it has always been deemed most advisable to lease such springs to individuals. Individual enterprize, stimulated by the prospect of gain, will, it is believed, be sufficient to effect the object, should sufficient quantities of salt water be found in the country.

3. Will the State loan money to aid individual enterprize, in the manufacture, and if so, upon what security?

Your committee do not hesitate to say it would be desirable for the State to aid her citizens in developing her resources and capabilities generally, and particularly with reference to the production of so important and indispensable an article as the one in question. But at present, they are not aware of any funds at the disposal of the State, other than the general or ordinary revenue, and the seminary fund: of the former of these, your committee believe no appropriation to the object in question can be prudently made at this time, in consequence of the existing and increasing demands on the treasury; and as to the latter, it is set apart for a special purpose, from which it cannot be diverted, and which, together with the mode of loaning, and the species and amount of security, is already fixed and regulated by law.

Your committee however, anticipate, with pleasure, a period, which, they trust is not far distant, when the State, from her rapidly increasing resources, will be able to afford her citizens the aid and encouragement desired.

Mr. Fletcher, from the select committee, to whom was referred an engrossed bill from the House of Representatives, legalizing the proceedings of the board of county commission-

ers of Hendricks county, reported the same with an amendment, which was read and concurred in, and the bill, with its amendment, ordered to a third reading.

Mr. Blair, from the select committee, to whom was referred the petition of Philip French, and others, for the location of a state road from Walker's farm, in Parke county, to Newport, in Vermillion county, and the remonstrance of George Chepin, and others, against said petition, had duly considered the same, and report a bill for the location of a state road from Walker's farm, in Parke county to Newport in Vermillion county.

Which was twice read, and on motion laid on the table.

The Senate then, according to order again resolved itself into a committee of the whole, on the bill from the House of Representatives entitled,

"An act for assessing and collecting the revenue," and after some time spent therein the President resumed the chair, and Mr. Gregory reported the same with amendments.

The 1st, 3d, 4th, 5th, 6th, 8th, 10th, 11th, 12th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22d, 23d and 25th, were severally read and concurred in.

The 2d amendment was read and disagreed to.

And on the question, will the Senate concur in the 4th amendment made in the committee of the whole to said bill which reads as follows:

After the word "brass" in the 6th line of the 2d section, insert "all other clocks."

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Depauw, Ewing, Fletcher, Frisbie, Givens, Gregory, Lemon, Linton, Orr, Robb, Sering and Watts—13.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Graham, Lomax, Morgan, Pennington, Whitcomb and Worth—8.

So said amendment was concurred in.

The Senate then considered the 7th amendment made to said bill which reads as follows:

In the 51st line of the 28th section, strike out the word "conclusive," and insert "prima facie," (the evidence of the correctness of the collectors sale.)

And on the question, will the Senate concur in said amendment?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Pennington, Robb, Sering, Watts, Whitcomb and Worth—17.

Those who voted in the negative, are

Messrs. Blair, Fletcher, Frisbie and Orr—4.

So said amendment was concurred in.

The Senate then considered the 9th amendment made in committee of the whole to said bill which reads as follows:

Strike out "2 years," in the 28th section, and insert in lieu thereof "3 years," the time allowed for the redemption of land sold for taxes.

And on the question, shall this amendment be concurred in?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Linton, Lomax, Morgan, Pennington, Robb, Sering and Watts—14.

Those who voted in the negative, are

Messrs. Claypool, Fletcher, Frisbie, Lemon, Orr, Whitcomb and Worth—7.

So said amendment was concurred in.

The Senate considered the 13th amendment made to said bill, which was by striking out the 33d section thereof, which reads as follows:

Sec. 33. If the collector of any county shall at any time unavoidably fail to offer for sale the delinquent lands or town lots in his county, or may have offered them for sale, and the purchasers thereof shall refuse to pay the collector the amount due thereon, it shall be the duty of such collector to again ad-

vertise and sell such land or lots on the first Monday in April next succeeding, and such advertising and sale shall in all things be governed by the provisions of this act, and be as legal and valid to all intents and purposes, as such sales would have been, had they been made on the 2d Monday of November.

And on the question, shall this section be stricken out?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Fletcher, Frisbie, Givens, Lemon, Morgan, Orr, Sering and Watts—10.

Those who voted in the negative, are

Messrs. Blair, Depauw, Ewing, Graham, Gregory, Linton, Lomax, Pennington, Robb, Whitcomb and Worth—11.

So said amendment was not concurred in.

The 19th amendment to said bill was then read and concurred in with an amendment.

The Senate considered the 24th amendment made in the committee of the whole to said bill, which reads as follows:

Strike out that part of the 2d section, which *confines* the discretionary power to assess a poll tax for county purposes by the board doing county business, to the new purchase, and give such power to all the counties in this state.

And on the question, shall this amendment be concurred in?

The ayes and noes being required thereon,

Those who voted in the affirmative, are

Messrs. Blair, Fletcher, Frisbie, Givens, Gregory, Linton, Morgan, Orr, Pennington, Sering and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Graham, Lemon, Lomax, Robb, Watts and Whitcomb—10.

So said amendment was concurred in.

The Senate considered the 21st amendment made in committee of the whole; to said bill, which is, to authorise the

board doing county business, to assess a tax on grocery keepers of not less than \$10 nor more than \$30, instead of not less than \$5 nor more than \$25.

And on the question, shall said amendment be adopted?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Givens, Gregory, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Graham and Lemon—6.

So said amendment was concurred in.

And the Senate adjourned..

2 o'clock P. M.

The Senate assembled.

The Senate resumed the consideration of the engrossed bill from the House of Representatives, entitled "an act for assessing and collecting the revenue."

Mr. Depauw moved to amend the 53d section of said bill by striking out the prices of licenses by the following rates on capitals of one thousand dollars, and in the ratio of five dollars for every additional thousand dollars in addition to the first ten dollars, and insert in lieu thereof, the following:

"A tax on such applicant at the rate of one per centum per annum, on the amount of capital by him so employed, and in the same proportion for a shorter period of time than one year.

And on the question, shall the bill be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Depauw, Graham, Lemon, Lomax, Pennington, Robb and Worth—8.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Ewing, Fletcher, Frisbie, Givens, Gregory, Linton, Morgan, Orr, Sering, Watts and Whitcomb—13.

So said motion was determined in the negative.

Mr. Robb moved further to amend said bill by adding to the 53d section thereof, the following:

“On each practising lawyer or physician, not exceeding twenty dollars.”

And on the question, shall the bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Ewing, Fletcher, Frisbie, Givens, Robb and Whitcomb—7.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Depauw, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Sering, Watts and Worth—14.

So said amendment was determined in the negative.

Mr. Clendenin then called for the previous question, and the call being sustained by five Senators, the said previous question was put in the form prescribed by the rules of the Senate, that is to say, shall the main question be now put?

And it carried in the affirmative.

The said main question, viz: shall said amendments be engrossed and with the bill read a third time, was then put?

And the ayes and noes being required thereon by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Morgan, Orr, Pennington, Sering, Watts, Whitcomb and Worth—18.

Those who voted in the negative, are

Messrs. Ewing, Lomax and Robb—3.

So said question was carried in the affirmative, and to-morrow was assigned for the third reading of said bill.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled, "An act to establish a state road from William Connelly's in Lawrence county, to Greencastle in Putnam county," and

"An act for the relief of John M. Coonfield,"

They have refused to concur in the report of the committee of free conference appointed to take into consideration the subject matter of the disagreeing vote of the two Houses on the 4th and 5th amendments proposed by the House of Representatives, to the engrossed bill from the Senate, entitled, "An act regulating the jurisdiction and duties of Justices of the peace."

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor to inform the Senate that he did on the 31st day of January 1831, approve the following acts:

An act regulating general elections;

An act to provide for electing county and township officers;

An act for the relief of Jesse Oneal;

An act to establish a state road from Rome in the county of Perry to Petersburg in the county of Pike and for other purposes;

An act for the apportionment of Senators and Representatives in the General Assembly of this state;

An act for the relief of the Superintendent of the State Prison;

An act to change a part of the state road from the state line in the direction of Vandalia in the state of Illinois by the way of the point therein named to Greensburgh in Decatur county;

All of which have been filed in the Secretary's office this day.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives continue to insist on their 4th and 5th amendments to the engrossed bill of the Senate entitled,

"An act regulating the jurisdiction and duties of justices of the peace," and has appointed Messrs. Kinney and Dumont a second committee of free conference on the part of the House, to take into consideration the subject matter of the disagreeing vote of the two Houses on said bill, and request a similar committee to be appointed on the part of the Senate.

On motion of Mr. Claypool,

Resolved, That a 2d committee of free conference be appointed to act with the committee appointed on the part of the House, to take into consideration the disagreeing votes of the two Houses, on the 4th and 5th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled "an act regulating the jurisdiction and duties of justices of the peace."

Ordered, That Messrs. Claypool and Fletcher be the committee.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and joint resolution, entitled,

"An act concerning the town of Crawfordsville;"

"An act for the relief of David Buchanan, security for Joseph C. Reed, deceased;"

"An act to re-locate the county seat of St. Joseph county;"

"An act for the relief of certain purchasers of lands in the reserve township in Monroe county;"

"An act regulating the interest of money in the State of Indiana."

"An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife;"

An act supplementary to an act entitled "an act to incorporate a company to make a turnpike road from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant and

Washington, to Vincennes in Knox county," approved Jan. 29th, 1830;

An act providing for the opening that part of the Michigan road, as lies between Logansport, in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river," and

A joint resolution for the relief of Robert Patterson.

I am directed to bring them to the Senate for the signature of their President.

Said bills and joint resolution having been signed by the President, were handed to the committee on enrolled bills, to be presented by them to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills, entitled

An act for the relief of the Superintendent of the State prison;

An act for the apportionment of Senators and Representatives in the General Assembly of this state;

An act for the relief of Jesse Oneal;

An act to establish a state road from Rome in the county of Perry to Petersburg in the county of Pike and for other purposes; and

An act to change a part of the state road from the state line in the direction of Vandalia in the state of Illinois, by the way of the points therein named, to Greensburgh in Decatur county.

I am directed to bring them to the Senate for the signature of their President.

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act respecting salines and saline reserves;"

"An act for the appointment of county surveyors and their deputies;"

They have also agreed to the 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th, 11th and 12th amendments proposed by the Senate to the engrossed bill of the House, entitled,

"An act regulating the taking up of animals going astray and water crafts and other articles of value adrift," but have disagreed to the 8th amendment proposed by the Senate to said bill, and have agreed to the 1st amendment with an amendment; in which the concurrence of the Senate is requested.

The President having signed the enrolled bills named in the foregoing message, they were handed to the committee on enrolled bills to be by them presented to the Governor for his approval and signature.

The Senate proceeded to consider the 8th amendment proposed by them, and disagreed to by the House, to the engrossed bill of the House of Representatives, entitled "an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift."

On motion, the Senate receded from said proposed amendment, but disagreed to the amendment proposed by the House to the first amendment of the Senate to said bill.

Ordered, That the House of Representatives be informed thereof.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act providing for the opening that part of the Michigan road as lies between Logansport in the county of Cass and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river.

An act regulating the interest of money in the state of Indiana.

An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife.

An act to re-locate the county seat of St. Joseph county.

An act concerning the town of Crawfordsville.

An act for the relief of David Buchanan security for Joseph C. Reed, dec'd.

An act for the relief of certain purchasers of lands in the reserved township in Monroe county.

An act supplementary to an act entitled "an act to incorporate a company to make a turnpike road from New-Albany in Floyd county by Greenville, Paoli, Mount-Pleasant and Washington to Vincennes in Knox county," approved January 29, 1830.

An act to incorporate the town of Madison.

An act to facilitate the opening of the Cumberland road

and preserve the same from being obstructed or injured.

An act to re-establish a part of the state road from Green-castle in Putnam county via Rockville and Beard's mills, in Parke county, Newport and Springfield in Vermillion county, to the state line in the direction of Springfield in Illinois: Also,

A joint resolution on the subject of an interchange of laws with other states; and

A joint resolution for the relief of Robert Patterson.

And had found the same truly enrolled.

Mr. Fletcher, from the joint committee of enrolled bills, reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, entitled acts, to wit:

An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife;

An act to re-locate the county seat of St. Joseph county.

An act supplementary to an act entitled an act to incorporate a company to make a turnpike road from New-Albany in Floyd county by Greenville, Paoli, Mount-Pleasant and Washington to Vincennes in Knox county, approved January 29th, 1830;

An act concerning the town of Crawfordsville;

An act for the relief of certain purchasers of lands in the reserved township in Monroe county;

An act regulating the interest of money in the State of Indiana;

An act for the relief of David Buchanan, security for Joseph C. Reed, dec.

An act providing for the opening that part of the Michigan road, as lies between Logansport, in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river, and

A joint resolution for the relief of Robert Patterson.

The Senate, according to order, resolved themselves into a committee of the whole, on the bill to organize Probate courts, and defining the powers and duties, and duties of Executors and Administrators, and after some time spent therein, the President resumed the chair, and Mr. Lemon reported progress and asked leave to sit again, which leave was granted by the Senate.

And the Senate adjourned.

WEDNESDAY, FEBRUARY 2d, 1831.

The Senate assembled.

Mr. Orr presented the petition of Jones R. Daily, and others, citizens of Tippecanoe county, praying for a state road between the towns of Michigan and Lafayette, which was read, and,

On motion of Mr. Orr, referred to a select committee.

Ordered, That Messrs. Orr, Blair and Fletcher be the committee.

Mr. Fletcher from the committee on the affairs of the town of Indianapolis to which was referred the engrossed bill of the House of Representatives, entitled "an act to authorize the agent of state for the town of Indianapolis to lay off the lands belonging to the state into lots, and offer the same for sale," and,

The engrossed joint resolution from the House of Representatives, entitled "a joint resolution of the General Assembly," reported said bill and joint resolution with sundry amendments to each, which were read and concurred in.

Ordered, That the amendments be engrossed and with the bill and joint resolution pass to a third reading.

Mr. Fletcher from the same committee to which was referred an engrossed bill from the House of Representatives, entitled "an act to provide for the commencement of a State House," reported the same with amendments, which were read and concurred in.

Mr. Ewing moved to amend said bill by striking out that part which authorizes the commissioner to procure 16000 feet of plank.

And on the question, shall this bill be so amended?

The ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts, Whitcomb and Worth—20.

Mr. Claypool voted in the negative.

So said motion was carried in the affirmative.

Mr. Linton moved further to amend said bill by striking

out the appropriation of \$5000 and inserting in lieu thereof \$3000, which was carried in the affirmative.

Said amendments were then ordered to be engrossed and with the bill, pass to a third reading.

Mr. Linton, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a bill for the better securing the monies arising from the sale of school lands in this State, and a bill for the sale of school lands, and the management of the funds arising therefrom in Wayne county, have had the same under consideration, and

Report, That the bill which has been passed by the Senate, upon the subject of school lands and schools, embraces the provisions of the bills referred, and therefore renders further legislation on them unnecessary. The committee recommend that the bills be indefinitely postponed.

On motion, the further consideration of the above named bills was indefinitely postponed.

Mr. Watts, from the select committee, to which was referred the engrossed bill concerning the corporation of the town of Lawrenceburgh, reported the same with amendments, which were severally read and concurred in.

Ordered, That said amendments be engrossed and with the bill pass to a third reading.

Mr. Blair, from the select committee on that subject, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Lewis Burns, and others, citizens of Springfield, in Vermillion county, praying for the passage of an act to enable them to incorporate themselves, on the first Monday in February, under the provisions of an act providing for the incorporation of towns, approved January 30th, 1824, have had the subject under consideration, and

Report, That, inasmuch as the act above recited, provides that the citizens of any town, wishing to avail themselves of the provisions of said act, may assemble themselves for that purpose, on the first Mondays of March and September.

Your committee therefore deem it unnecessary to legislate

on the subject, and ask to be discharged from the further consideration thereof.

Which was read and the committee discharged.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives insist on the amendment proposed by them to the 1st amendment made by the Senate to the engrossed bill of the House entitled, "an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift," and have appointed Messrs. Reiley and Ferris a committee of free conference, on the part of the House, to take into consideration the subject matter of the disagreeing vote of the two Houses, in relation to said bill, and request the appointment of a similar committee on the part of the Senate.

They have passed bills of the Senate of the following titles, viz:

"An act for the relief of Ruth Thompson;"

"An act concerning enclosures and trespassing animals;"

"An act for the relief of the poor," and

"An act for the incorporation of county Libraries." The two first without, the two last with amendments.

They have also passed bills of the House, entitled,

"An act compensating Benjamin Jones, for building a bridge across Busseron creek, near Eaton's mills, in Sullivan county;"

"An act supplementary to an act, entitled an act authorizing the sale of one of the reserved sections of land in the reserved township of land in Monroe county, approved Jan. 29, 1830;"

"An act for the formation of a new county, north of Madison county," and

"An act supplemental to an act, entitled an act to incorporate the Eel River Seminary society, approved Jan. 1, 1829. In which bills of the House, and in the amendments to the preceding bills of the Senate, the concurrence of the Senate is requested.

On motion of Mr. Morgan,

Resolved, That a committee of free conference be appointed on the part of the Senate, to act with the committee appointed by the House, to take into consideration, the disagreeing votes of the two Houses, on the amendment proposed by the House, to the 1st amendment proposed by the Senate to

the engrossed bill of the House, entitled, "an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift."

Ordered, That Messrs. Morgan and Lemon be the committee, and that the House of Representatives be informed thereof.

The amendment proposed by the House of Representatives to the engrossed bill of the Senate, entitled, "an act for the relief of the poor," was considered and agreed to.

Ordered, That the House of Representatives be informed thereof.

The amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled, "an act for the incorporation of county Libraries," were considered and agreed to.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act supplemental to an act, entitled an act to incorporate the Eel river Seminary society, approved Jan. 1, 1829," was read the first time; the rules were then dispensed with, and said bill was read the second and third time and passed.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act compensating Benjamin Jones, for building a bridge across Busseron creek, near Eaton's mills, in Sullivan county, was read twice, and,

On motion of Mr. Pennington, laid on the table.

The engrossed bill from the House of Representatives, entitled "an act for the formation of a new county, north of Madison county," was read the first time and ordered to a second reading.

The engrossed bill from the House of Representatives, entitled, "an act supplemental to an act, entitled an act authorizing the sale of one of the reserved sections of land in the reserved township of land in Monroe county, approved January 29th, 1830," was read twice and ordered to a third reading.

The Senate again resolved themselves into a committee of the whole, on the bill establishing Probate circuit courts, and after some time spent therein, the President resumed the chair and Mr. Lemon reported sundry amendments, which were agreed to generally with one exception, which was striking out the 47th section, and on the question, will the Senate con-

cur in the amendment of the committee, by striking out said 47th section, which reads in the following words:

Sec. 47. That the said probate courts shall have exclusive jurisdiction of all suits or actions against executors or administrators, founded upon, or growing out of any contract or debt, made by, or accruing against the testator or intestate, represented by such executor or administrator, in his life time, and of all suits, actions or proceedings against such executor or administrator, necessary to be brought or instituted upon, and to enforce the payment of any judgment rendered by a justice of the peace of this State, against the decedent, represented by such executor or administrator, in his life time, and of all writs of *scire facias* issuing upon judgments rendered in said court, against any such executor or administrator, and of all other suits, pleas, actions, complaints and proceedings authorized by this act, in which any executor, administrator or guardian, sued or complained of as such may be a defendant or respondent; and the jurisdiction of such probate courts shall not extend to any actions or suits, upon the official bonds of executors, administrators or guardians, executed by them with sureties to secure the discharge of their trusts, nor to suits in chancery, by this act authorized to be instituted against such executors, administrators or guardians, nor to actions at common law, or suits in chancery necessary or proper to be instituted against any executor, or administrator or guardian, whose powers in those several capacities may have been revoked or expired, by the appointment of a successor of such executor or administrator, or by the successor or former board of such guardian.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Sering and Watts—14.

Those who voted in the negative, are

Messrs. Clendenin, Fletcher, Pennington, Robb and Whitcomb—5.

So said amendment was concurred in.

Mr. Linton moved to refer said bill to a select committee, which motion prevailed.

Ordered, That Messrs. Linton, Gregory and Whitcomb be the committee.

Mr. Clendenin moved to instruct the committee to insert a provision in the bill by which parties considering themselves aggrieved, might, in their discretion take an appeal to the circuit or the supreme court, which motion was determined in the negative.

Mr. Robb moved that the committee be instructed to amend the bill so that it will confine the powers and duties of the probate courts to the granting of letters of administration, testamentary, and the appointment of guardians and the settlement of decedents estates, which was determined in the negative.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Orr, having obtained a postponement of the orders of the day for that purpose, presented the petition of James H. Stuart and others, citizens of Carroll county, praying the passage of a law authorizing a special court to be held in the county of Carroll—whereupon Mr. Orr introduced a bill to authorize the judges of the Carroll circuit court to hold a special session; which, by general consent, was read three times and passed.

Ordered, That it be entitled an act, and that the House of Representatives be informed thereof and their concurrence requested.

The President having obtained leave to continue the postponement of the orders of the day for that purpose, laid before the Senate a communication from A. F. Morrison, printer to the Senate, proposing to print the special and other acts of this General Assembly, which was read and referred to the same committee of the whole Senate to which was committed a bill respecting printing the laws of the present session.

Mr. Morgan in behalf of the committee of free conference appointed this day, made the following report:

MR. PRESIDENT:

The committee of free conference to which was referred the subject matter of difference between the two Houses relative to the amendment made by the House of Representatives to the first amendment made by the Senate to the engrossed bill of the House of Representatives, entitled an act

regulating animals going astray and water crafts and other articles of value adrift,

Report, That they have agreed that the House of Representatives recede from their amendment to the amendment of the Senate to said bill.

Which report was concurred in.

The engrossed bill of the House of Representatives for assessing and collecting the revenue, was read a third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested in the amendments to said bill.

Mr. Linton from the select committee to which was referred this morning a bill organizing probate courts and defining the powers and duties of executors, administrators and guardians, on leave being granted, reported the same with sundry amendments which were read and concurred in.

Ordered, That the same pass to a third reading.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act concerning the Michigan road scrip, Michigan road lands, and for other purposes;

An act to regulate marriages;

An act relating to county seminaries;

An act to provide for the re-location of the state road from Bono to Terre-Haute, and

An act subjecting real and personal estate to execution;

And had found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, &c. entitled "an act subjecting real and personal estate to execution;"

"An act to incorporate the town of Madison;"

"An act for the re-location of the state road from Bono to Terre-Haute;

"An act to facilitate the opening of the Cumberland road and preserve the same from being obstructed or injured;"

"An act to re-establish a part of the state road from Green-castle in Putnam county, by way of Rockville and Beard's

mills in Parke county, Newport and Springfield in Vermillion county, to the state line in a direction of Springfield in Illinois," and

"A joint resolution on the subject of an interchange of laws with other states;"

I am directed to bring them to the Senate for the signature of their President.

The House of Representatives has passed engrossed bills and a joint resolution of the House, entitled

"An act supplemental to an act concerning the town of Fort Wayne," approved Jan. 3, 1829;

"An act for the relief of Daniel Pattengale and Earl Pearce," and

"A joint resolution relative to the Auditor of Public Accounts;"

In which the concurrence of the Senate is requested.

The President having signed the enrolled bills named in said message, they were handed to the committee on enrolled bills to be by them presented to the Governor for his approval and signature.

The engrossed bill of the House of Representatives supplemental to an act concerning the town of Fort Wayne, approved Jan'y. 3d, 1829, was read twice and ordered to a third reading.

The engrossed bill of the House of Representatives for the relief of Daniel Pattingale and Earl Pearce was read twice and referred to the committee on roads.

The joint resolution from the House of Representatives relative to the Auditor of public accounts, was read the first time and passed to a second reading.

The Senate according to order now resolved themselves into a committee of the whole on the bill of the Senate relative to crime and punishment; when, after some time spent therein, the committee rose, Mr. President resumed the chair and Mr. Linton reported progress and asked leave to sit again, which was granted.

Mr. Claypool from the committee of free conference, appointed on the subject referred to them, now made the following report:

MR. PRESIDENT:

The committee of free conference, to which was referred the disagreement of the Senate, to the 4th and 5th amendments of the House of Representatives, to the act regulating

the jurisdiction and duties of Justices of the Peace, have had the same under consideration, and have agreed that the House of Representatives recede from their 4th amendment, with the following amendment: after the word "issue," in the 20th line of the 45th section of said act, insert "one," and after "execution," in the same line, insert "and in all cases where there shall be a return, that property taken is not sold for want of time or bidders, an alias, or *venditioni exponas*, and that the House recede from its 5th amendment, by adding to the 62d section of said act, the following proviso, to wit:

Provided, That nothing in this section shall be so construed as to require a Justice of the Peace, who makes a temporary deposit of his docket, to accompany the same with any other papers than those which relate to unsettled business therein, which report was concurred in.

On motion of Mr. Clendenin, it was resolved by the Senate, that when they adjourn it should be to half past 6 o'clock, P. M.

And the Senate adjourned.

Half past 6 o'clock, P. M.

The Senate assembled.

The Senate, according to order, resolved themselves into a committee of the whole, on the bill of the Senate, to organize and regulate the militia of the State of Indiana, and after some time spent therein, the President resumed the chair, and Mr. Lomax reported the same with amendments, which were read and concurred in, and before the question was taken on ordering said amendments to be engrossed for a third reading,

The Senate adjourned.

THURSDAY, FEBRUARY 3d, 1831.

The Senate assembled.

Mr. Whitcomb, from the select committee to whom was referred the engrossed bill from the House of Representatives entitled, "an act concerning tenants holding over, reported

the same with an amendment, which is by striking out the bill from the enacting clause and inserting four new sections, which were read, amended and concurred in.

Ordered, That said amendments be engrossed, and with the bill, pass to a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives have concurred in the report of the committee of free conference appointed to take into consideration the subject matter of the disagreement of the two Houses on the 4th and 5th amendments made by the House of Representatives to the engrossed bill from the Senate entitled, "an act regulating the jurisdiction and duties of Justices of the Peace." They have also concurred in the report of the committee of free conference appointed to adjust the difference between the two Houses on the bill regulating the taking up of animals going astray and water craft and other articles of value adrift.

The House have agreed to all the amendments proposed by the Senate to the bill of the House for assessing and collecting the revenue, except the 1st, 2d, 5th, 8th, 9th, 10th, 12th, 15th, 20th and 21st, and to these they have disagreed.

They have passed an engrossed bill of the House entitled, "an act appropriating a certain amount of the three per cent fund."

In which the concurrence of the Senate is requested.

The Senate receded from the 1st, 2d, 8th and 20th amendments proposed by them, to the engrossed bill of the House of Representatives, entitled "an act for assessing and collecting the revenue," but insisted on the 9th 15th and 21st amendments proposed by them to said bill.

Mr. Pennington moved that the Senate recede from the 5th amendment proposed by them to said bill which is by striking out the tax on licenses to vend wooden clocks.

And the ayes and noes being required thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Ewing, Graham, Gregory, Lemon, Linton, Morgan, Orr, Pennington, Robb and Sering—12.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Fletcher, Frisbie, Givens, Lomax, Watts and Whitcomb—8.

So said motion prevailed.

And on the question, will the Senate recede from their 10th amendment proposed to said bill,

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Fletcher, Frisbie, Givens, Linton, Orr, Pennington, Robb and Sering—9.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Ewing, Graham, Gregory, Lemon, Lomax, Morgan, Watts, Whitcomb and Worth—11.

So it was determined in the negative.

The Senate then receded from said amendment.

And on the question, will the Senate recede from the 12th amendment proposed by them, to said bill, which is by striking out "two years," the time allowed for redemption of lands sold for taxes, and inserting "three years."

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Lemon, Linton, Orr, Pennington, Robb, Sering and Whitcomb—11.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lomax, Morgan, Watts and Worth—10.

So the Senate receded from said 12th amendment.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives entitled "an act appropriating a certain amount of the 3 per cent. fund," was twice read, when

Mr. Blair moved to indefinitely postpone said bill.

And the ayes and noes being demanded thereon by two Senators, the same are as follows:

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Frisbie, Linton, Orr and Worth—6.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington, Robb, Sering, Watts and Whitcomb—15.

So said motion was determined in the negative.

Said bill was then committed to the same committee of the whole to which was committed the bill of the Senate appropriating \$20,000 of the 3 per cent. fund.

Mr. Gregory from the committee on roads to which was referred a bill to repeal an act entitled "an act to remove certain obstructions from the big Vermillion river," approved January 29, 1830, reported the same with an amendment, which is by striking the same out from the enacting clause, and inserting a bill, the provisions of which apply to the state generally in like cases.

Which was read and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Ewing offered for consideration and adoption the following resolution:

Resolved, That a select committee be appointed with instructions to prepare and present a bill, to give the people the privilege of voting at the next August election upon a proposition that the next General Assembly shall act as a convention to change the constitution, on the following points, namely: impeachment of inferior officers, so that the circuit courts upon presentment or indictment, shall have the right of trial, and to regulate future sessions of the General Assembly, so as to convene only once every two years, unless called by the executive to provide for some case of pressing emergency.

Mr. Frisbie moved to lay said resolution on the table.
And the ayes and noes being required thereon by two Senators, the same are as follows:

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Fletcher, Frisbie, Graham, Linton, Morgan, Orr, Pennington and Sering—11.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Givens, Gregory, Lemon, Lomax, Robb, Watts, Whitcomb and Worth—10.

So said resolution was laid on the table.

The Senate proceeded to consider the orders of the day.

The Senate resumed the consideration of the bill to organize and regulate the militia of the State of Indiana.

Mr. Lomax moved to amend said bill by striking out that part which authorises constables to collect militia fines and insert in lieu thereof "Sheriffs."

And on the question, shall said bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Fletcher, Givens, Gregory, Lomax, Whitcomb and Worth—6.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Frisbie, Graham, Lemon, Linton, Morgan, Orr, Pennington, Robb, Sering and Watts—15.

So said motion was determined in the negative.

Said bill was then on motion, amended by adding the necessary forms of returns, &c.

Mr. Claypool moved to amend said bill by striking out that part which makes it necessary for *all* sergeants to attend drill musters.

And on the question shall said bill be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Lomax and Worth—6.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Morgan, Orr, Pennington, Robb, Sering and Whitcomb—14.

So said motion was determined in the negative.

Ordered, That said bill be engrossed for a third reading.

The joint resolution from the House of Representatives, relative to the Auditor of Public Accounts, was read the 2d time and ordered to a third reading.

The engrossed bill from the House of Representatives entitled,

“An act for the formation of a new county north of Madison county,” was read the 2d time, and

On motion of Mr. Orr, referred to a select committee.

Ordered, That Messrs. Orr, Blair and Worth be the committee.

The engrossed bills from the House of Representatives entitled as follows:

“An act supplemental to an act concerning the town of Fort Wayne;”

“An act concerning the corporation of the town of Lawrenceburgh;”

“An act supplementary to an act, entitled an act authorizing the sale of one of the reserved sections of land in the reserved township of land in Monroe county, approved Jan. 29, 1830;”

“An act legalizing the proceedings of the Board of county commissionres of Hendricks county;”

“An act to authorize the agent of State for the town of Indianapolis to lay off the lands belonging to the State into lots, and offer the same for sale;”

“An act to provide for the commencement of a state House,”

Were severally read the 3d time and passed *all* with amendments, except the first.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The engrossed joint resolution of the General Assembly

(from the House of Representatives,) was read the 3d time and passed with amendments.

On motion of Mr. Linton,

Ordered, That it be entitled "a joint resolution of the General Assembly, authorizing the sale of the Governor's Circle,"

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

The bill of the Senate to organize probate courts and defining the powers and duties of executors and administrators, was read the 3d time.

Mr. Whitcomb moved to refer said bill to a select committee, which was carried in the affirmative.

Ordered, That Messrs. Whitcomb, Fletcher and Watts be the committee.

And the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives insist on their disagreement to 9th, 10th, 15th and 21st amendments proposed by the Senate to the engrossed bill of the House, entitled, "an act for assessing and collecting the revenue."

They have adopted the following resolution:

Resolved, That this General Assembly will adjourn without day, on the 9th inst. that the Senate be informed thereof and a similar resolution on their part requested.

They passed without amendment, an engrossed bill from the Senate, entitled, "an act to authorize the judges of the Carroll circuit court to hold a special session."

They have also passed engrossed bills of the House, entitled, "An act concerning the canal fund and canal lands;"

"An act making special appropriations for the year 1831," and,

"An act appropriating \$125 for building a bridge across Lick creek, on the state road leading from the high bank of White river, to Indianapolis, through Washington, Daviess county, Bloomfield, Green county, Spencer, Owen county, Martinsville, Morgan county, thence to Indianapolis."

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the following titles:

"An act relating to county Libraries;"

"An act to regulate marriages;"

"An act respecting salines and saline reserves;"

"An act for appointment of county surveyors and their deputies;"

"An act concerning the Michigan road scrip, Michigan road lands and for other purposes;"

"An act making general appropriations for the year 1831," and

"An act supplemental to an act entitled an act to incorporate the Eel river seminary society," approved 1st Jan. 1829.

I am directed to bring them to the Senate for the signature of their President.

The President having signed the enrolled bills named in the foregoing message, they were handed to the committee on enrolled bills to be by them presented to the Governor for his approval and signature.

The Senate proceeded to consider the 9th, 10th, 15th and 21st amendments proposed by them, and disagreed to by the House, to the engrossed bill of the House, entitled, "an act for assessing and collecting the revenue."

On motion, the Senate continued to insist on said amendments.

On motion of Mr. Graham,

Resolved, That a committee of free conference be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House, to take into consideration the disagreeing votes of the two Houses on said amendments, and that the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act concerning the canal funds and canal lands," was read the 1st time and passed to a second reading.

The engrossed bill from the House of Representatives, entitled, "an act for building a bridge across Lick creek, on the road leading from the high banks of White river, to Indianapolis," was twice read and referred to the committee on roads.

The engrossed bill from the House of Representatives, entitled "an act making specific appropriations for the year 1831," was read twice, and committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Whitcomb, from the select committee to which was referred the bill of the Senate, to organize probate courts, and defining the powers and duties of executors and administrators, having obtained leave, reported the same with an amendment, which was read and concurred in.

Said bill was then read the third time.

And on the question, shall the bill pass?

The ayes and noes being demanded by two Senators, the same are as follows:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Frisbie, Graham, Gregory, Lemon, Linton, Orr, Sering, Watts and Whitcomb—13.

Those who voted in the negative, are

Messrs. Clendenin, Fletcher, Givens, Lomax, Morgan, Pennington, Robb and Worth—8.

So said bill passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

Mr. Fletcher from the joint committee on enrolled bills, reported that they did on this day present to the Governor for his approval and signature the following enrolled bills entitled acts, to wit:

An act regulating marriages;

An act concerning the Michigan road scrip, Michigan road lands and for other purposes;

An act supplemental to an act entitled an act to incorporate the Eel river seminary society, approved Jan. 1st, 1829;

An act making general appropriations for the year 1831;

An act for the appointment of county surveyors and their deputies;

An act respecting salines and saline reserves;

An act relating to county seminaries;

An act to provide for the relocation of the state road from Bono to Terre Haute;

An act to facilitate the opening of the Cumberland road and preserve the same from being obstructed or injured;

An act to re-establish a part of the state road from Greencastle, in Putnam county, by way of Rockville and Beard's

mills, in Parke county, Newport and Springfield, in Vermilion county, to the state line in the direction of Springfield in the State of Illinois;

An act to incorporate the town of Madison, and,

An act subjecting real and personal estate to execution, and,

A joint resolution on the subject of an interchange of laws with other States.

The Senate, according to order, again resolved themselves into committee of the whole, on the bill relative to crime and punishment, and after some time spent therein, the President resumed the chair, and Mr. Linton reported progress, and asked leave to sit again, which leave was granted by the Senate.

And the Senate adjourned.

FRIDAY, FEBRUARY 4th, 1831.

The Senate assembled.

Mr. Linton, from the committee on revision, reported a bill to establish a College in the State of Indiana, which was twice read and committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to regulate the militia of the State of Indiana, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

Mr. Morgan moved to take up the amendments proposed by the House of Representatives to the proposed amendments of the Senate, to the engrossed bill from the House, entitled, "an act to re-establish a State road from Rushville, in Rush county, to Greenfield, in Hancock county.

Said amendments were then read and agreed to.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act concerning tenants holding over, was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The Senate, according to order again resolved themselves into a committee of the whole, on the bill relative to crime

and punishment, and after some time spent therein, the President resumed the chair, and Mr. Linton reported the same with sundry amendments, which were read and concurred in generally, except the following:

"In the 69th section of said bill, strike out the word "absolutely," and insert "correctly," in relation to swearing falsely."

And on the question, will the Senate concur in said amendment? It was carried in the affirmative.

Mr. Givens moved to amend said bill by striking out the 55th section, the penalty on venders of wooden clocks without license, and on the question, shall said bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Depauw, Fletcher, Frishie, Givens, Graham, Lomax, Pennington, Watts, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Ewing, Gregory, Lemon, Linton, Morgan, Orr, Robb and Sering—10.

So said amendment prevailed.

Said bill was then ordered to be engrossed for a third reading.

The engrossed bill from the House of Representatives, entitled "an act concerning the canal funds and canal lands," was read the second time, when,

Mr. Robb moved to indefinitely postpone said bill,

And the ayes and noes being demanded thereon, by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Frishie, Givens, Gregory, Orr, Robb, Sering, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Graham, Lemon, Linton, Lomax, Morgan, Pennington and Watts—10.

So said bill was indefinitely postponed.

Mr. Robb moved to re-consider the vote just taken, on indefinitely postponing the engrossed bill from the House of Rep-

representatives, entitled, "an act concerning the canal funds and canal lands," which was determined in the negative.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives has agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act legalizing the proceedings of the board of county commissioners of Hendricks county;"

"An act concerning the corporation of the town of Lawrenceburgh;"

"An act to authorize the agent of the State for the town of Indianapolis, to lay off the lands belonging to the State, into lots, and offer the same for sale," and have disagreed to the amendment proposed by the Senate, to the joint resolution of the House, entitled, "a joint resolution of the General Assembly."

They have passed an engrossed bill of the House, entitled, "An act to establish a state road from Jehu Perkins' in Rush county to Napoleon, in Ripley county."

Also, a bill from the Senate, entitled,

"An act incorporating congressional townships and providing for public schools therein," with amendments, in which amendments, and the said bill of the House, the concurrence of the Senate is requested.

They have agreed to all the amendments proposed by the Senate, to the engrossed bill of the House, entitled, "An act to provide for the commencement of a state house," except the 1st. to which they disagree.

On motion, the Senate insisted on their proposed amendment to the engrossed joint resolution of the General Assembly, from the House of Representatives.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled "an act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county," was twice read, and,

On motion of Mr. Morgan, laid on the table.

On motion of Mr. Linton, the amendments proposed by the House to the engrossed bill of the Senate, entitled "an act in-

corporating congressional townships and providing for public schools therein," was laid on the table.

The bill of the Senate declaring certain streams therein named public highways and for other purposes, was by common consent taken up.

Mr. Whitcomb moved to amend said bill by striking the same out after the first section and inserting a provision declaratory of the provisions of all former laws upon the subject; which was carried in the affirmative.

Mr. Ewing moved further to amend said bill by adding the following to constitute an additional section, to wit:

If any person shall erect or keep up any obstruction calculated to impede or injure the navigation of any stream reserved by the ordinance of Congress of 1787, as a public highway at a stage of water when it would otherwise be navigable, or shall be concerned in erecting or keeping up such obstruction, he shall for every such offence be fined in any sum not exceeding one thousand dollars, to be recovered by presentment or indictment in the proper county, and be liable to action for all damages and injuries sustained or occasioned thereby: *Provided*, That nothing herein contained shall be so construed as to justify injury to mill dams where the owners or possessors thereof shall, on or before the first day of January next, construct and at all times keep in repair, good and sufficient locks or safe slopes of capacity and dimensions to insure the safe and ready passage of all boats or other crafts for which the stream affords water; and also have and keep in readiness at all times, men of sufficient strength, and sufficient in number, to guide and safely deliver all boats or crafts over such lock or slope, free of charge.

Mr. Gregory moved to amend said amendment by striking out the proviso, which was carried in the affirmative.

And on the question, shall this bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Ewing, Fletcher, Frisbie, Givens, Gregory, Lemon, Lomax, Morgan, Orr, Robb, Sering and Watts—15.

So said amendment was adopted.

Ordered, That said bill be engrossed for a third reading.

The Senate receded from their proposed amendment to the engrossed bill from the House of Representatives, entitled,

"an act to provide for the commencement of a State House," but insisted on their second amendment to said amendment.

Ordered, That the House of Representatives be informed thereof.

The Senate according to order resolved themselves into a committee of the whole on the bill for the better management of the State Prison, and after some time spent therein, the President resumed the chair, and Mr. Morgan reported progress and asked leave to sit again, which leave was refused by the Senate.

Mr. Whitcomb moved to refer said bill to a select committee, which was carried in the affirmative.

Ordered, That Mr. Whitcomb be the committee.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Linton moved to take up the engrossed bill of the Senate, entitled, "an act to incorporate congressional townships and providing for public schools therein," which was carried in the affirmative.

The 1st, 2d, 4th and 5th amendments proposed by the House to said bill, were considered and agreed to.

The third amendment proposed to said bill was considered and disagreed to.

The sixth amendment proposed to said bill was agreed to with an amendment.

Ordered, That the House of Representatives be informed thereof.

The joint resolution from the House of Representatives relative to the Auditor of Public Accounts, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

The Senate according to order resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives, entitled "an act regulating grist mills and millers," and after some time spent therein, the President resumed the chair, and Mr. Orr reported the same with amendments which were read and the question of concurrence was taken thereon separately.

And on the question, will the Senate concur in the first

amendment made to said bill in committee of the whole, which is, "by striking out all mills other than those propelled by water?"

The ayes and noes being demanded thereon by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Frisbie, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Robb, Ser-
ing, Watts and Worth—16

Those who voted in the negative, are

Messrs. Clendenin, Givens, Graham, Gregory and Whitcomb—5.

So said amendment was concurred in.

The 3d, 4th, 5th, 7th, 8th, 9th and 10th amendments were severally considered and agreed to.

The 2d and 6th amendments were considered and disagreed to.

Ordered, That the amendments be engrossed, and with the bill pass to a third reading.

The Senate according to order resolved themselves into a committee of the whole on the bill of the Senate for the distribution of the laws and journals and for other purposes; and after some time spent therein, the President resumed the chair, and Mr. Pennington reported progress and asked leave to sit again, which was refused by the Senate.

On motion of Mr. Whitcomb, said bill was referred to a select committee.

Ordered, That Messrs. Whitcomb, Graham and Linton be the committee.

On motion of Mr. Whitcomb, the committee of the whole was discharged from the further consideration of the bill authorizing the printing of the titles of certain laws therein named;

Said bill was then referred to the last named select committee.

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform

the Senate that he has on this day approved and filed in the Secretary's office the following acts and joint resolution:

An act to regulate marriages;

An act relating to county seminaries;

An act to incorporate the town of Madison;

An act subjecting real and personal estate to execution;

An act to provide for the re-location of the state road from Bono to Terre-Haute;

An act to facilitate the opening of the Cumberland road and preserve the same from being obstructed or injured;

An act to re-establish a part of the state road from Greencastle in Putnam county, by way of Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion county to the state line in the direction of Springfield in the state of Illinois;

A joint resolution on the subject of an interchange of laws with other states.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit;

An act for the appointment of county surveyors and their deputies;

An act respecting salines and saline reserves;

An act supplementary to an act entitled an act to incorporate the Eel river seminary society, approved Jan. 1st, 1829;

An act making general appropriations for the year 1831;

An act concerning enclosures and trespassing animals;

An act to establish a state road from William Connelly's in Lawrence county, to Greencastle in Putnam county, and

An act for the relief of John M. Coonfield;

And had found the same truly enrolled.

The Senate according to order resolved themselves into a committee of the whole, on the bill respecting the agent of the 3 per cent. fund, and after some time spent therein, the President resumed the chair, and Mr. Robb reported the same with an amendment which was concurred in by the Senate.

On motion of Mr. Robb said bill was indefinitely postponed.

The Senate according to order resolved themselves into a committee of the whole, on the bill from the House of Representatives, entitled,

"An act regulating the practice in chancery," and after some time spent therein, the President resumed the chair, and

Mr. Sering reported the same with amendments which were read and concurred in generally, except the following:

Sec. 8th. Every deposition intended to be read in any suit at law, or in chancery in any court, or in any suit before a justice of the peace, shall be filed in such court at least one day before such suit is ready down for hearing, or is ready for trial, or at any time previous to the trial before the justice, and such deposition shall be published by order of court, on the motion of either party, at any time after the same is so filed, and no objection shall be valid to the admissibility of such deposition as evidence in such cause, either in whole or in part, unless the same be made before such cause is set down for hearing or is ready for trial; Provided, that any such objection, the cause of which arises after such trial or hearing is gone into, shall be valid; Provided, also that if the incompetency of the deponent as a witness appear at any stage of the proceedings it shall avoid his evidence.

And on the question, will the Senate concur in this amendment?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frisbie, Linton, Lomax, Morgan, Orr, Sering, Watts and Whitcomb
—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Givens, Graham, Lemon and Robb
—6.

The President laid before the Senate the following communication from the Sergeant at arms.

Indianapolis, February 4th, 1831.

HON. MILTON STAPP,

President of the Senate:

SIR—Considerations of an imperious character requires my attention and render further attendance on the Senate as Sergeant at arms inconvenient; I therefore request the Senate to accept this as the act of my resignation, together with my

thanks for the confidence in me evinced by electing me to the station.

Respectfully, your most obedient servant,
JOSEPH CHAMBERS.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have appointed Messrs. Reed of D. and M. and Hillis a committee of free conference on the part of the House, to take into consideration, with the committee appointed by the Senate, the subject matter of the disagreement of the two Houses, on the bill providing for assessing and collecting the revenue.

They have passed engrossed bills and joint resolutions of the House, entitled,

"An act to legalize the proceedings of the Green county library and for other purposes;"

"An act to establish a state road from Fort Wayne in the county of Allen, thence to the county seat of Elkhart county, and thence to the county seat of St. Joseph county;"

"A joint resolution relative to Thomas Mead and others, revolutionary soldiers," and

A joint resolution relative to the printing of the laws;"

In which the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives, entitled "an act to legalize the proceedings of the Green county Library and for other purposes," was read twice and ordered to a third reading.

The engrossed bill from the House of Representatives, entitled, "an act to establish a state road from Fort Wayne, in the county of Allen, thence to the county seat of Elkhart county, and thence to the county seat of St. Joseph county," was read twice and laid on the table.

The joint resolution from the House of Representatives, relative to printing the laws, was twice read, and

On motion of Mr. Fletcher, laid on the table.

The joint resolution from the House of Representatives, relative to Thomas Mead, and others, revolutionary soldiers, was twice read, when,

Mr. Gregory moved to amend it, by inserting the name of Lewis Barlow, of Shelby county, which was carried in the affirmative.

Mr. Pennington moved further to amend said resolution by inserting the name of Isaac Williams, of Harrison county, which was carried in the affirmative.

On motion of Mr. Givens, said joint resolution was committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The Senate according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "an act to establish a state Library," and after some time spent therein, the President resumed the chair, and Mr. Whitcomb reported the same with amendments, which were read and concurred in generally.

Ordered, That said amendments be engrossed, and with the bill pass to a third reading.

And the Senate adjourned.

SATURDAY, FEBRUARY 5, 1831.

The Senate assembled.

Mr. Gregory, from the committee on roads to which was referred an engrossed bill from the House of Representatives, entitled "an act for building a bridge across Lick creek on the road leading from the high banks of White river to Indianapolis," reported the same with an amendment which was read and concurred in.

Ordered, That said amendment be engrossed, and with the bill, pass to a third reading.

Mr. Orr, from the select committee to whom was referred the engrossed bill from the House of Representatives, entitled "an act for the formation of a new county north of Madison county," reported the same with amendments, which were read and concurred in.

On motion of Mr. Watts,

Said bill was further amended by striking out the name of "Logan," and inserting in lieu thereof the name of "Grant," in memory of Capt. Samuel Grant and Moses Grant who fell in the year 1789, in an action between the Kentuckians and Indians in that part of this state known as "Switzerland county."

Ordered, That said amendments be engrossed, and with the bill, pass to a third reading.

Mr. Orr, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to which was referred a resolution of the Senate instructing them to inquire into the expediency of allowing David Hoover twenty-three dollars eighteen and three fourth cents for services by him rendered as clerk of the Wayne circuit court, in a suit wherein the Treasurer of State was plaintiff and William M'Lain, late Sheriff of Wayne county, defendant,

Report, That they have had that subject under consideration and recommend that an appropriation of twenty-three dollars eighteen and three fourth cents be made to cover said claim.

Which was read and laid on the table.

Mr. Graham, from the committee of free conference on that subject, made the following report:

MR. PRESIDENT:

The committee of free conference appointed on the disagreeing votes of the Houses, on the 2d, 9th, 10th and 15th amendments of the Senate to the bill of the House providing for assessing and collecting the revenue, have agreed to the following report:

The committee agree to amend the second amendment by striking out the word "ten" and insert "seven" in lieu thereof, so as to make it read "not less than seven nor more than thirty dollars."

They have agreed that the House of Representatives recede from their objections to the 9th and 10th amendments of the Senate to said bill.

They have also agreed that the Senate recede from their fifteenth amendment to said bill.

Which was read and concurred in.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives insist on their disagreement to the amendment proposed by the Senate to the en-

grossed joint resolution of the House, entitled "a joint resolution of the General Assembly," and have appointed Messrs. Wallace of J. and Russell a committee of free conference on the part of the House to take into consideration, with a similar committee to be appointed on the part of the Senate, the subject matter of the disagreeing vote of the two Houses on said resolution, and request that a similar committee be appointed on the part of the Senate.

They have passed an engrossed bill from the Senate, entitled "an act to organize and regulate the militia of the state of Indiana," with amendments, in which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed the following enrolled bills entitled acts, I am directed to bring them to the Senate for the signature of their President, viz:

"An act regulating the fees and salaries of the several officers and persons therein named;"

"An act concerning enclosures and trespassing animals;"

"An act to establish a state road from William Connelly's in Lawrence county to Greencastle in Putnam county;" and

"An act for the relief of John M. Coonfield;"

The President having signed said enrolled bills, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The Senate considered and agreed to the 1st, 2d, 3d, 5th, 7th, 8th, 9th, 11th, 12th and 13th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled "an act to organize and regulate the militia of the state of Indiana:" they agreed to the 10th amendment proposed to said bill, with an amendment.

The 2d, 4th and 6th amendments to said bill were considered and disagreed to.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Gregory,

Resolved, That a committee of free conference be appointed to take into consideration with the committee appointed on the part of the House, the disagreeing votes of the two Houses on the amendment proposed by the Senate to the joint resolution of the General Assembly originating in the House.

Ordered, That Messrs. Gregory and Linton be the committee.

M. Ewing moved to re-consider the vote of yesterday in-

definitely postponing the engrossed bill from the House of Representatives, entitled "an act concerning the canal funds and canal lands."

Mr. Robb objected to the motion, as being out of order, the same motion having been previously made and negatived, and called upon the President to decide upon his objection, whereupon, the President decided that the motion to reconsider was out of order.

Mr. Ewing then demanded an appeal from the decision of the chair,

And on the question, shall the decision of the chair be sustained? it was determined in the affirmative.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Morgan, Orr, Robb, Sering, Watts and Worth—15.

Those who voted in the negative, are

Messrs. Claypool, Ewing, Fletcher, Lomax, Pennington and Whitcomb—6.

Mr. Morgan moved to reconsider the vote postponing, to the 1st Monday in August, the bill of the Senate supplemental to an act, entitled, "an act providing means to construct the Erie and Wabash canal.

And on the question, shall said vote be reconsidered?

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Frisbie, Lomax, Linton, Morgan, Orr, Watts, Whitcomb and Worth—12.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Givens, Graham, Gregory, Lemon, Pennington, Robb and Sering—9.

So said vote was re-considered.

Mr. Pennington moved to indefinitely postpone the further

consideration of said bill, which was determined in the negative.

Mr. Linton moved to refer said bill to the committee on canals and internal improvements, with instructions to postpone the sale of canal lands, suspend the salaries of the Auditor and Treasurer of State, limit the duty of the canal commissioners to the receipt of money, paying over the same and giving the proper certificates, to keeping up the books, plats, &c. and taking care of the canal property; with pay only, while actually employed.

And on the question, shall said bill be so referred?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Lemon, Lomax, Linton, Morgan, Pennington, Robb, Watts, Whitcomb and Worth—17.

Those who voted in the negative, are

Messrs. Blair, Gregory, Orr and Sering—4.

So said bill was so referred.

The engrossed bill from the House of Representatives, entitled, "an act for the re-location of the county seat of Elkhart county," was, on motion of Mr. Worth taken up.

Said bill was then read a third time and passed, with amendments.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

On motion of Mr. Worth, the engrossed bill from the House of Representatives, entitled, "an act legalizing the proceedings of the board of Justices of St. Joseph county," was taken up, read the third time, amended by consent and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The bill of the Senate relative to crime and punishment, and the engrossed bill from the House of Representatives, entitled, "an act to legalize the proceedings of the Green county Library and for other purposes," were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the bill of the Senate requested.

On motion of Mr. Fletcher, the engrossed joint resolution from the House of Representatives, relative to the printing of the laws, was taken up.

Said bill was then amended on motion of Mr. Fletcher, and the amendments ordered to be engrossed, and with the bill, pass to a third reading.

The engrossed bill from the House of Representatives, entitled, "an act regulating the practice in chancery," was read the third time, when

Mr. Graham moved to re-commit said bill to the committee on revision, with instructions so to amend the same as to make the decree of the court of chancery, a complete title to property, and on the question, shall said bill be so re-committed?

The ayes and noes being demanded by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Ewing, Givens, Graham, Robb and Watts—5.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Sering and Whitcomb—14.

So said motion was determined in the negative.

And on the question, shall this bill pass?

It was carried in the affirmative.

On motion of Mr. Gregory, the previous orders of the day were postponed, for the consideration of the following resolution, to wit:

Resolved, That the Secretary of the Senate, at 2 o'clock on this day, furnish a list of all the bills now on file in the Senate that have to be acted on during the present session, whether for a third reading, committed to a committee of the whole, and for a second reading.

Said resolution was read and laid on the table.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Worth, from the joint committee on enrolled bills, re-

ported that they had compared the enrolled with the engrossed bill, entitled, "an act to authorize the Judges of the Carroll circuit court to hold a special session.

And had found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an enrolled bill, entitled, "an act to authorize the Judges of the Carroll circuit court to hold a special session."

I am directed to bring it to the Senate for the signature of their President.

Said bill was then signed by the President and handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Fletcher from the joint committee on enrolled bills, reported that they did on this day present to the Governor for his approval and signature the following enrolled bills entitled acts, to wit:

An act regulating the fees and salaries of the several officers and persons therein named;

An act to establish a state road from William Connelly's in Lawrence county, to Green castle in Putnam county;

An act for the relief of John M. Coonfield; and

An act concerning enclosures and trespassing animals, and

An act to authorize the Judges of the Carroll circuit court to hold a special session.

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the Senate that he has on this day approved, and filed in the Secretary's office,

An act to authorize the Judges of the Carroll circuit court to hold a special session.

Mr. Worth from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts, as follows, to wit:

An act for the incorporation of county libraries;

An act for the relief of Ruth Thompson;

An act supplemental to an act concerning the town of Fort Wayne, approved Jan. 3d, 1829;

An act supplementary to the act entitled an act, authorizing the sale of one of the reserved sections of land, in the reserved township of land in Monroe county, approved, January 29, 1830.

An act legalizing the proceedings of the board of commissioners of Hendricks county;

An act regulating the taking up of animals going astray, and water craft, and other articles of value adrift, and

An act regulating the fees and salaries of the several officers and persons therein named.

And had found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives have passed with amendments an engrossed bill of the Senate entitled,

“An act to organize Probate courts and defining the powers and duties of executors, administrators and guardians.”

In which amendments the concurrence of the Senate is requested.

The 1st; 2d, 6th, 10th, 11th, 14th, and 15th amendments proposed by the House of Representatives to said bill were considered and agreed to.

The 3d, 4th, 7th, 8th and 9th were considered and disagreed to.

The 5th and 12th amendments proposed to said bill, were agreed to with an amendment to each.

And on the question, will the Senate agree to the 13th amendment proposed by the House, to said bill?

And the ayes and noes being demanded thereon by two Senators, the same are as follows:

Those who voted in the affirmative, are

Messrs. Fletcher, Frisbie, Lemon, Lomax, Pennington, Robb, Whitcomb and Worth—8.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Linton, Morgan, Orr, Sering and Watts—13.

So said amendment was not concurred in.

And on the question, will the Senate concur in the 14th amendment proposed to said bill, which is by adding the following proviso to the 52d section thereof, to wit.

“Provided however, That it shall be at the election of any person or persons interested, to take up any order, judgment or decree of the probate court, to the circuit court of the proper county, by appeal or writ of error in the same manner and under the rules and regulations as are prescribed in taking cases from the circuit court to the supreme court—and the several circuit courts shall have jurisdiction thereof, and hear and determine the same, according to the usage of courts, and the rights of parties.”

And the ayes and noes being required thereon by two Senators, the same are as follows:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frisbie, Lemon, Lomax, Morgan, Pennington, Robb, Whitcomb and Worth—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Givens, Graham, Gregory, Linton, Orr, Sering and Watts—9.

So said amendment was concurred in.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have agreed to the amendment proposed by the Senate to the 10th amendment made by the House to the engrossed bill from the Senate, entitled,

"An act to organize and regulate the militia of the State of Indiana."

They have receded from the 2d and 6th amendments proposed by them to said bill, and insist upon their 4th amendment to said bill.

On motion, the Senate receded from their disagreement to said 4th amendment.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have refused to concur in the report of the committee of free conference appointed to take into consideration the subject matter of the disagreeing vote of the two Houses, in relation to the engrossed bill of the House entitled,

"An act for assessing and collecting the revenue," and have appointed Messrs. Hall and Kinney a second committee of free conference on the part of the House to adjust the said difference, and request a similar committee on the part of the Senate.

Ordered, That Messrs. Watts and Lomax be a second committee of free conference, on the part of the Senate, to act with the committee appointed on the part of the House, on said bill, and that the House of Representatives be informed thereof.

The engrossed bill of the Senate declaring certain streams therein named public highways and for other purposes, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The Senate according to order resolve themselves into a committee of the whole, on the bill providing for the incorporation of towns, and after some time spent therein the President resumed the chair and Mr. Worth reported the same with amendments, which were read and concurred in generally.

Ordered, That said bill be engrossed for a third reading.

The Senate according to order, resolved themselves into a committee of the whole, on the engrossed bill from the House of Representatives, entitled, "an act respecting free negroes,

mulattoes and slaves," and after some time spent therein, the President resumed the chair, and Mr. Blair reported the same with amendments, which were read and concurred in generally.

Mr. Fletcher moved to amend said bill by adding thereto the following proviso:

"*Provided however*, That the provisions of this act shall not be so construed as to apply to any negro or mulattoe who is a citizen of any one of the United States, emigrating or coming into this State."

And on the question, shall this bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Fletcher, Frisbie, Lomax, Morgan, Sering, Watts, Whitcomb and Worth—9.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Orr, Pennington and Robb—12.

So said motion was determined in the negative.

Mr. Worth moved to amend said bill by striking out that part compelling negroes, when summoned to appear before the overseers of the poor, instead of shewing cause why they should not leave the state, to shew cause why they are *black*.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Fletcher, Frisbie, Lomax, Morgan, Sering, Watts and Worth—8.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Orr, Pennington, Robb and Whitcomb—13.

So said motion was determined in the negative.

And on the question, shall the amendments be engrossed and with the bill pass to a third reading?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Orr, Pennington, Robb, and Whitcomb—12.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Lomax, Morgan, Sering, Watts and Worth—9.

So said bill with its amendments was passed to a third reading.

The Senate according to order resolved themselves into a committee of the whole on the bill from the House of Representatives entitled "an act for opening and repairing public roads and highways," and after some time spent therein, the President resumed the chair, and Mr. Claypool reported progress and asked leave to sit again which leave was granted by the Senate.

And the Senate adjourned.

MONDAY, FEBRUARY 7th, 1831.

The Senate assembled.

Mr. Ewing, from the committee on canals and internal improvements, to which was referred a bill of the Senate, supplemental to an act providing means for the construction of the Wabash and Erie canal, reported the same with an amendment, which is by striking the same out from the enacting clause, and inserting the following:

Sec. 1. That if any person or persons, shall cut down, destroy or remove, any timber or trees standing or growing upon the unsold lands appropriated to the State of Indiana, by Congress, to construct the Wabash and Erie canal, he or they, so offending, shall forfeit and pay to the State, for the use of the canal fund, five times the value of the timber or trees so cut,

destroyed or removed, to be recovered by action of trespass before any competent tribunal, upon the relation of any competent witness: and the canal commissioners and all officers of the State, within their respective jurisdictions, are charged with the strict execution of this enactment.

Sec. 2. That the sale of canal lands, as provided in the act to which this act is supplemental, shall be suspended until the first day of March, 1832, and that the compensation allowed by said act, to the Treasurer, Auditor and Secretary of State, is hereby suspended for the term aforesaid.

Sec. 3. That the duties of the canal commissioners, as defined by the act aforesaid, are hereby limited and restricted to the receiving of money due for canal lands, and interest thereon, and the preservation of the property of the State, connected with said canal.

Sec. 4. That the act above referred to, and to which this is supplemental, be continued in force, with the above restrictions and limitations.

Mr. Graham moved to amend said amendment by striking out the same from the word "witness," in the 8th line thereof, and insert in lieu thereof the following:

That so much of the act, entitled, "an act providing means to construct the portion of the Wabash and Erie canal within the State of Indiana," approved January 28th, 1830, as provides for the appointment and continuance in office, of a board of canal commissioners, and so much as authorizes any further sales of canal lands, and so much as authorizes the employment of an engineer, be and the same is hereby repealed.

David Burr is hereby appointed commissioner, who, after giving bond and security, as provided in the above recited act, shall receive and pay over, to the Treasurer of State, all monies arising from the canal lands already sold; it shall also be his duty to give receipts and certificates to the purchasers as provided for in the act aforesaid.

It shall further be the duty of the commissioner, to take into his possession, and safely keep all the property of the State, procured for the use of the canal commissioners or engineer.

In case of any vacancy in the office of commissioner previous to the next meeting of the General Assembly, the Governor is hereby authorized to supply such vacancy, by appointment, which shall expire at the end of the next session.

And on the question, shall the amendment be so amended?

It was determined in the negative, and

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Givens, Graham, Lemon, Lomax, Morgan, Pennington and Robb—10.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Frisbie, Gregory, Linton, Orr, Sering, Watts and Worth—10.

The Senate being equally divided, the President voted in the negative.

So said amendment was not adopted.

Mr. Gregory moved to amend said amendment, by inserting the word "not," between the words "shall" and "be," in the 2d line of the 2d section thereof so as to read, "the sales of the canal landsshall not be postponed until 1st of March, 1832."

And on the question shall said amendment be so amended?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Gregory, Orr, Sering and Worth—5.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Lemon, Linton, Lomax, Morgan, Pennington, Robb, Watts and Whitcomb—16.

So said motion was determined in the negative.

Mr. Claypool moved to amend said amendment by striking out of the 2d section, these words, "until the 1st day of March, 1832," leaving the time of suspension of sales of canal lands, indefinite.

And on the question, shall the bill be so amended?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Frisbie, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington and Robb—11.

Those who voted in the negative, are

Messrs. Blair, Depauw, Ewing, Fletcher, Linton, Orr, Sering, Watts, Whitcomb and Worth—10.

So said amendment was adopted.

Mr. Robb moved further to amend said amendment, and before the question was taken,

Mr. Pennington moved indefinitely to postpone said amendment and bill, which was carried in the affirmative.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clendenin, Fletcher, Frisbie, Gregory, Linton, Orr, Pennington, Sering, Watts and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Depauw, Ewing, Givens, Graham, Lemon, Lomax, Morgan, Robb and Whitcomb—10.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have agreed to the amendment proposed by the Senate to the engrossed bill of the House, entitled, "an act legalizing the proceedings of the board of Justices of St. Joseph county."

They have also agreed to the amendment proposed by the Senate, to the engrossed bill of the House, entitled, "an act concerning tenants holding over," with an amendment, in which the concurrence of the Senate is requested.

They have also agreed to all the amendments proposed by the Senate to the engrossed bill of the House, entitled, "an act regulating the practice in chancery," with an amendment to the 6th amendment of the Senate to said bill, in which the concurrence of the Senate is requested.

They have passed an engrossed bill from the Senate, entitled, "an act respecting crime and punishment," with amendments, in which the concurrence of the Senate is requested.

The Senate concurred in the amendment proposed by the House, to the proposed amendment of the Senate, to the en-

engrossed bill from the House, entitled, "an act concerning tenants holding over."

Ordered, That the House of Representatives be informed thereof.

The Senate considered and agreed to the amendments proposed by the House to the 6th amendment proposed by the Senate to the engrossed bill of the House, entitled, "an act regulating the practice in chancery."

Ordered, That the House of Representatives be informed thereof.

The Senate considered and agreed to the 1st, 2d, 5th, 6th, 7th, 8th and 9th amendments proposed to the engrossed bill of the Senate, entitled, "an act respecting crime and punishment," the first branch of the 10th amendment proposed to said bill, to wit: the 99th was considered and agreed to, and the 2d branch of said 10th amendment, to wit: the 100th section was considered and disagreed to.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives insist upon the 3d amendment proposed by them to the engrossed bill from the Senate entitled, "an act incorporating congressional townships and providing for public schools therein."

They refuse to agree to the amendments proposed by the Senate to 6th amendment made by the House to said bill.

The Senate considered the 3d amendment proposed by the House to the engrossed bill of the Senate, entitled, "an act incorporating congressional townships and providing for public schools therein."

And on the question, will the Senate recede from their disagreement to said 3d amendment?

Which reads as follows, to wit:

Add to the 38th section, the following proviso:

"Provided however, That no person shall be compelled to pay any tax in work or otherwise, unless such person participate in said school, and provided also, that when any person participate in said school, he shall pay a tax equivalent for the building of said school house."

And on the question, will the Senate recede from their disagreement to said 3d amendment?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Givens, Graham, Gregory, Lemon, Lomax, Robb and Whitcomb—10.

Those who voted in the negative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Linton, Morgan, Orr, Pennington, Sering, Watts and Worth—11.

So said motion was determined in the negative.

On motion, the Senate insisted on their disagreement to said amendment.

And on the question, will the Senate insist upon their disagreement to 6th amendment proposed by the House to said bill?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Ewing, Fletcher, Givens, Linton, Morgan, Orr, Pennington, Sering, Watts, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Frisbie, Graham, Gregory, Lemon, Lomax and Robb—10.

So the Senate continued to insist on said amendment.

Ordered, That a committee of free conference be appointed on the part of the Senate, to take into consideration the disagreeing votes of the two Houses on said bill, and that the House of Representatives be informed thereof, and a similar committee on their part requested.

Mr. Whitcomb from the select committee made the following report:

MR. PRESIDENT:

The select committee, to whom were referred "a joint resolution on the subject of the revised laws," "a bill authorizing the reprinting of sundry acts and for other purposes" and

"a bill to provide for the distribution of the laws and journals, and for other purposes," have, according to order, had the same under consideration and report the joint resolution without amendment and the first bill as amended by striking out all after the first two sections, and substituting new sections in lieu thereof, containing a complete list of all acts unrepealed, heretofore enacted in this State, and by amending the same by the addition of sundry acts in the list of those ordered to be reprinted, and some other minor amendments to cause the same to harmonize, and by amending the last of said bills by incorporating therein, in the shape of additional sections and otherwise, so much of the first bill as relates to the distribution of the laws and journals of the present session, in which several amendments the concurrence of the Senate is requested.

The engrossed joint resolution from the House of Representatives, on the subject of the revised laws, was read the third time and passed.

The bill authorizing the reprinting of sundry acts and for other purposes, was read twice and laid on the table.

The bill to provide for the distribution of the laws and journals and for other purposes, was read twice and ordered to a third reading.

Mr. Gregory from the committee of free conference appointed on the part of the Senate, to take into consideration the disagreement of the two Houses on the engrossed joint resolution of the House of Representatives entitled,

"A joint resolution of the General Assembly,"

Reported, That the committee could not agree, which was read and the committee discharged.

Mr. Pennington moved that the Senate recede from their proposed amendment to said joint resolution, which was determined in the negative.

The Senate then insisted on said amendment.

Ordered, That the House of Representatives be informed thereof.

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by His Excellency the Governor to inform the Senate that he has on this day approved and filed in the

Secretary's office, an act concerning enclosures and trespassing animals.

The Senate proceeded to consider the orders of the day.

The Senate according to order again resolved themselves into a committee of the whole on the engrossed bill from the House of Representatives, entitled "an act for opening and repairing public roads and highways," and after some time spent therein, the President resumed the chair, and Mr. Claypool reported the same with amendments, which were read and concurred in generally, except the two following:

1st. Strike out that part of the 35th section which makes it the duty of hands to work on the roads "2 days" and insert "3 days."

And on the question, will the Senate concur in said amendment?

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Depauw, Frisbie, Givens, Lomax, Orr, Pennington, Sering, Watts and Worth—10.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Morgan, Robb and Whitcomb—11.

So said amendment was not concurred in.

And on the question, will the Senate concur in the second amendment excepted to, which is by striking out that part of the 60th section of said bill which allows supervisors 50 cents per day for their services, and in lieu thereof insert 75 cents?

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Gregory, Robb, Sering and Worth—9.

Those who voted in the negative, are

Messrs. Clendenin, Frisbie, Givens, Graham, Lemon, Lin-

ton, Lomax, Morgan, Orr, Pennington, Watts and Whitcomb—12.

So said amendment was not concurred in.

Mr. Sering moved further to amend said bill by adding thereto the following:

“That in all cases when the hands allotted to any road or road district, shall have performed the number of days’ work required of them by law, if said road shall remain unfinished, or shall at any time be found out of repair, it shall be the duty of the supervisor of such road to call the hands assigned him to complete such road, or keep the same in repair.”

Mr. Lemon moved to amend said amendment by requiring of hands to work, when so called out, in proportion to their road tax.

And on the question, shall the amendment of Mr. Sering be so amended? it was determined in the negative.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Lemon, Linton, Morgan, Watts and Whitcomb—9.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Frisbie, Givens, Gregory, Graham, Lomax, Orr, Pennington, Robb, Sering and Worth—12.

Mr. Orr moved to amend the amendment proposed by Mr. Sering, so as to limit the discretion of the supervisors to two additional days, which was determined in the negative.

And on the question, shall the amendment proposed by Mr. Sering be adopted? it was determined in the affirmative.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Ewing, Givens, Gregory, Linton, Lomax, Orr, Pennington, Robb, Sering, Watts, Whitcomb and Worth—15.

Those who voted in the negative, are

Messrs. Depauw, Fletcher, Frisbie, Graham, Lemon and Morgan—C.

Mr. Robb moved further to amend said bill by adding thereto the following:

“On each retailer of foreign merchandize, tavern keeper, and grocery keeper, a road tax equal to one half of the county tax imposed for the privilege of retailing such merchandize or for keeping such tavern or grocery.”

And debate arising thereon, Mr. Clendenin called for the previous question, and the call being sustained by five Senators, the said previous question was then put in the form prescribed by the rules of the Senate; that is to say, shall the main question be now put? which was carried in the affirmative.

The said main question, viz: Shall the amendments be engrossed, and with the bill, pass to a third reading? was then put, and was determined in the affirmative.

Mr. Whitcomb, from the select committee on that subject, made the following report:

MR. PRESIDENT:

The select committee to whom was referred “a bill for the regulation of the State Prison,” has, according to order, had the same under consideration, and now reports that he has amended the same by striking it out from the enacting clause, and inserting in lieu thereof fifteen new sections, in which he asks the concurrence of the Senate.

Said amendment was then read, and,

On motion of Mr. Lemon,

Ordered, That it lie on the table.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Linton, on leave being granted, introduced a bill supplemental to an act providing for a sale of the donation land around Indianapolis, which was twice read and ordered to a third reading.

The engrossed joint resolution from the House of Representatives relative to the printing of the laws was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The engrossed bill from the House of Representatives, entitled "an act regulating grist mills and millers," was read the third time, when

Mr. Lemon moved to re-commit the bill to a select committee with instructions to strike out that part which exempts millers from doing militia duty; which motion was determined in the negative.

Said bill then passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, entitled acts, I am directed to bring them to the Senate for the signature of their President:

An act to authorize the agent of the State for the town of Indianapolis, to lay off the lands belonging to the State into lots, and offer the same for sale;

An act for the incorporation of county libraries;

An act regulating the taking up of animals going astray, and water crafts, and other articles of value adrift;

An act supplementary to the act entitled an act authorizing the sale of one of the reserve sections of land, in the reserved township of land in Monroe county;

An act for the relief of Ruth Thompson of Wayne county;

An act supplemental to an act concerning the town of Fort Wayne;

An act legalizing the proceedings of the board of justices of St. Joseph county;

An act legalizing the proceedings of the board of commissioners of Hendricks county;

An act to legalize the proceedings of the trustees of the Green county library, and to provide for the election of President and trustees for the Owen county library;

An act to establish a state road from Rushville in Rush county, to Greenfield in Hancock county;

An act for the relief of insolvent debtors, and

A joint resolution, relative to the Auditor of Public accounts.

Said enrolled bills and joint resolution having been signed by the President, they were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have receded from the 3d, 4th and 9th amendments proposed by them to the engrossed bill from the Senate, entitled,

"An act to organize probate courts and defining the powers and duties of executors, administrators and guardians," but they insist on their 7th, 8th and 13th amendments to said bill.

They have agreed to the amendments proposed by the Senate to the 5th and 12th amendments made by the House to said bill.

The House of Representatives have discharged the committee of free conference appointed on the part of the House to adjust the difference between the two Houses in relation to a joint resolution, entitled a joint resolution of the General Assembly.

They have passed bills and a joint resolution of the House, of the following titles, viz:

An act to incorporate the Princeton library company;

An act to provide for the location of certain state roads therein named;

A joint resolution of the General Assembly of the State of Indiana.

In which the concurrence of the Senate is requested.

The Senate continued to insist on their disagreement to the 7th, 8th and 13th amendments proposed by the House of Representatives, to the bill of the Senate, entitled, "an act to organize probate courts and defining the powers and duties of executors, administrators and guardians."

On motion of Mr. Linton,

Ordered, That a committee of free conference be appointed to take into consideration the disagreeing votes of the two Houses on said amendments, and that the House of Representatives be informed thereof, and a similar committee on their part requested.

The engrossed bill from the House of Representatives, en-

titled "an act to incorporate the Princeton Library company," was twice read and ordered to a third reading.

The joint resolution from the House of Representatives, entitled, "a joint resolution of the General Assembly," was twice read, when

Mr. Ewing moved to indefinitely postpone the further consideration thereof, which motion was determined in the negative.

And on the question, shall this joint resolution pass to a third reading?

The ayes and noes were called for by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Lemon, Lomax, Pennington, Robb and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Ewing, Frisbie, Gregory, Linton, Morgan, Orr, Sering, Watts and Worth—10.

So said joint resolution passed to a third reading.

The engrossed bill from the House of Representatives, entitled, "an act to provide for the location of certain state roads therein named," was read twice, and

On motion of Mr. Orr, laid on the table.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives have passed an engrossed bill of the House, entitled, "an act to change the road commissioner on the state road from Indianapolis to Lafayette."

They have also passed an engrossed bill from the Senate, entitled, "an act declaring certain streams therein named, public highways and for other purposes," with amendments, in which and the said bill of the House, the concurrence of the Senate is requested.

The House of Representatives have appointed Messrs. Fer-

ris and Wallace of Franklin, a committee of free conference on the part of the House, to take into consideration the subject matter of disagreement between the two Houses, on the engrossed bill from the Senate, entitled, "an act incorporating congressional townships and providing for public schools therein."

The House recede from their 1st, 4th and latter part of the 10th amendment proposed by the House to the bill of the Senate, relating to crime and punishment.

They agree to the amendments proposed by the Senate, to the bill of the House, entitled, "an act for the re-location of the county seat of Elkhart county."

They adhere to their disagreement to the amendment proposed by the Senate to the joint resolution from the House, entitled, "a joint resolution of the General Assembly."

The House have discharged the committee of free conference appointed on the part of the House, to adjust the difference between the two Houses, in relation to the bill of the House for assessing and collecting the revenue.

Mr. Watts, from the committee of free conference, on that subject, made the following report:

The committee of free conference, appointed on the part of the Senate, to take into consideration the difference between the two Houses, in relation to the bill of the House of Representatives for the assessing and collecting the revenue,

Report, That they cannot succeed in reconciling the differences between the two Houses, on the subjects in said bill, they therefore ask to be discharged from the further consideration of the subject; which was read and the committee discharged.

The Senate continued to insist on the 9th, 10th and 21st amendments proposed by them to the engrossed bill from the House of Representatives, entitled, "an act for assessing and collecting the revenue," but receded from their 15th amendment to said bill.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act to change the road commissioner on the state road from Indianapolis to Lafayette," was twice read and ordered to a third reading.

The Senate considered and agreed to the 1st and 2d amendments proposed by the House of Representatives, to the en-

grossed bill of the Senate, entitled, "an act declaring certain streams therein named public highways and for other purposes." The 3d amendment proposed to said bill was agreed to with an amendment.

Ordered, That the House of Representatives be informed thereof.

The Senate adhered to the amendment proposed by them to the engrossed joint resolution, from the House of Representatives, entitled, "a joint resolution of the General Assembly."

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have passed an engrossed joint resolution, originating in the House, entitled, "a joint resolution concerning the canal commissioners," in which the concurrence of the Senate is requested.

Said joint resolution was read twice,

And on the question, shall it pass to a third reading?

It was carried in the affirmative.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Lemon, Linton, Lomax, Morgan, Pennington, Robb, Watts and Whitcomb—15.

Those who voted in the negative, are

Messrs. Blair, Gregory, Orr and Worth—4.

The engrossed bill from the House of Representatives, entitled, "an act for the formation of a new county north of Madison county," was read the 3d time and passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The engrossed bill from the House of Representatives, en-

titled, "an act for the incorporation of towns," was read the third time,

And on the question, shall this bill pass?

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Clendenin, Depauw, Ewing, Frisbie, Givens, Graham, Gregory, Linton, Lomax, Orr, Pennington, Robb, Sering, Watts, Whitcomb and Worth—17.

Those who voted in the negative, are

Messrs. Claypool, Fletcher, Lemon and Morgan—4.
So said bill passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have concurred in the report of the committee of free conference, appointed to take into consideration, the subject matter of the disagreeing votes of the two Houses, on the bill from the Senate, entitled, "an act incorporating congressional townships and providing for public schools therein."

Mr. Fletcher, from the committee of free conference, made the following report:

The committee of free conference to whom was referred the subject matter of difference between the two Houses in relation to the act entitled an act for incorporating congressional townships and providing for public schools, have had the same under their consideration and have agreed that the House of Representatives recede from their third amendment to said bill, and have further agreed that the Senate recede from their objections to the sixth amendment made by the House to the same.

Which was read and concurred in.

The engrossed bills from the House of Representatives, entitled,

"An act to establish a State Library," and

"An act for building a bridge across Lick creek on the road leading from the high banks of White river to Indianapolis," were severally read the third time and passed with amendments to each.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

The engrossed bill from the House of Representatives, entitled "an act respecting free negroes and mulattoes, servants and slaves," was read the third time, when

Mr. Sering moved the following resolution:

Resolved, That the bill under consideration be re-committed to a select committee with instructions to strike out so much of the sixth section as authorizes a limited slavery, and in lieu thereof incorporate the principles contained in the 7th section of the 11th article of the constitution, which declares that "there shall be neither slavery nor involuntary servitude in this state."

Mr. Robb moved to amend said instructions by striking out that part which instructs the committee to strike out of the sixth section the provisions for "limited slavery."

And on the question, shall the instructions be so amended?

The ayes and noes were demanded by two Senators,

Mr. Robb voted in the affirmative.

Those who voted in the negative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Sering, Watts, Whitcomb and Worth—20.

So said instructions were not so amended.

And on the question, shall this bill be re-committed with the instructions proposed by Mr. Sering?

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Blair, Fletcher, Frisbie, Lomax, Morgan, Orr, Sering and Worth—8.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Givens, Gra-

ham, Gregory, Lemon, Linton, Pennington, Robb, Watts and Whitcomb—13.

So said bill was not so re-committed.

Mr. Fletcher moved to re-commit the bill to a select committee with instructions to amend the same so that the provisions of said act shall not apply to or effect any negro or mulatto who is a citizen of any one of the United States emigrating to or passing through the state of Indiana.

And debate arising thereon, Mr. Givens called for the previous question, and the call being sustained by five Senators, the said previous question was then put in the form prescribed by the rules of the Senate, that is to say, shall the main question be now put?

And the ayes and noes being demanded by two Senators, the same are as follows:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Pennington and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Fletcher, Frisbie, Lomax, Morgan, Robb, Sering, Watts and Worth—9.

And it passed in the affirmative.

The main question, viz: shall said bill as amended pass? was then put;

And the ayes and noes being demanded thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Graham, Lemon, Linton, Pennington, Robb and Whitcomb—10.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Gregory, Lomax, Morgan, Orr, Sering Watts and Worth—11.

So said bill did not pass.

Mr. Whitcomb, from the committee of revision, reported a-

bill dividing the State into judicial circuits and fixing the times of holding courts therein and for other purposes," which was twice read, amended on motion of Mr. Graham, and,

On motion of Mr. Watts, laid on the table.

On motion of Mr. Fletcher, the engrossed bill from the House of Representatives, entitled "an act to re-locate the county seat of Boone county," was taken up.

Mr. Fletcher moved to refer said bill to a select committee.

Ordered, That Messrs. Fletcher, Orr and Blair be the committee.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have agreed to the amendments proposed by the Senate to the bills and joint resolution of the House of the following titles, viz:

"An act regulating grist mills and millers;"

"An act for the formation of a new county north of Madison county," and

"A joint resolution relative to the printing of the laws."

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have appointed Messrs. Kinney and Dumont a committee of free conference on the part of the House to adjust, with the committee appointed on the part of the Senate, the difference between the two Houses in regard to the bill of the Senate organizing probate courts and defining the powers and duties of executors, administrators and guardians.

The House have receded from their disagreement to the 9th and 10th amendments proposed by the Senate to the bill of the House for assessing and collecting the revenue, and have adhered to their disagreement to the 21st amendment proposed by the Senate to said bill.

On motion of Mr. Pennington, the Senate receded from said twenty-first amendment.

Ordered, That the House of Representatives be informed thereof.

On motion, the committee of the whole was discharged

from the further consideration of the bill of the Senate relative to county boundaries; said bill was then amended by consent.

Ordered, That it be engrossed for a third reading.

Mr. Worth, from the joint committee on enrolled bills, reported that they had compared the enrolled with the engrossed bills entitled acts, as follows, to wit:

An act for the relief of insolvent debtors;

An act legalizing the proceedings of the board of Justices of St. Joseph county.

An act to legalize the proceedings of the trustees of the Green county Library, and to provide for the election of President and Trustees for the Owen county Library.

An act to authorize the Agent of the State for the town of Indianapolis, to lay off the lands belonging to the State, into lots and offer the same for sale.

An act to establish a state road from Rushville, in Rush county, to Greenfield in Hancock county, and

A joint resolution relative to the Auditor of Public Accounts.

And had found the same truly enrolled.

On motion of Mr. Whitcomb,

Resolved, That when the Senate adjourn, it be to this evening at 7 o'clock, P. M.

And the Senate adjourned.

Monday evening, 7 o'clock, P. M.

The Senate assembled.

On motion, the Senate resolved themselves into committee of the whole, on the bill from the House of Representatives, entitled, "an act to establish and regulate ferries," when, after some time spent therein the committee rose, the President resumed the chair and Mr. Clendenin reported the bill with two amendments, which were concurred in and the amendments ordered to be engrossed and with the bill read a third time.

On motion, the Senate again resolved themselves into a committee of the whole, on the bill from the House of Representatives, entitled, "an act to authorize the vacation of towns," when after some time spent therein, the committee rose, the President resumed the chair and Mr. Depauw reported the bill with an amendment, which was by striking the same out

from the enacting clause and inserting four new sections, which amendment was read and concurred in.

Ordered, That the amendments be engrossed and with the bill be read a third time.

The Senate according to order again resolved themselves into a committee of the whole on the bill from the House of Representatives, entitled, "an act to encourage the killing of wolves," when, after some time spent therein, the committee rose, the President resumed the chair and Mr. Frisbie reported the bill without amendment.

Mr. Frisbie then moved to amend said bill by striking out in the 1st section, the word twenty, and in lieu, insert thirty, which motion prevailed, and the bill, with its amendment, was ordered to a third reading.

On motion, the committee of the whole were discharged from the further consideration of the bill of the House of Representatives, entitled, "an act making further provisions for final settlements with road commissioners," and

On motion of Mr. Orr, the same was postponed indefinitely.

The committee of the whole Senate were discharged from the further consideration of a joint resolution, relative to Thomas Mead and others.

Mr. Pennington then moved to amend the same by inserting the name of Mason Lumsford, of Harrison county, which was adopted by consent.

Mr. Fletcher then moved to insert the name of John Young, of Madison county, which motion prevailed.

Mr. Whitcomb moved to insert the name of Joseph Kelly, of Owen county, which was consented to.

And on the question, shall the said resolution pass to a 3d reading? It was determined in the negative.

And on motion,

The Senate adjourned.

TUESDAY, FEBRUARY 8th, 1831.

The Senate assembled.

Mr. Fletcher from the judiciary committee made the following report, to wit:

The committee on the judiciary to whom was referred the

petition of Jonathan Woodberry, have had the same under their consideration and have agreed to

Report, That it is the **opinion** of the committee that the act entitled, "an act to render the proceedings upon writs of mandamus and informations in the nature of *quō warrantō* more speedy and effectual," approved January 21, 1820; and which was re-printed by its title in the revised code of 1824, affords an ample and speedy remedy for the grievance complained of by the petitioner, so far as relates to persons holding two lucrative offices at the same time; and as to so much of said petition as asks an inquiry into "the number of members of this legislative body, who hold lucrative offices in violation of the constitution of this State;" the committee having no knowledge of such cases, deem an inquiry on that subject not only impertinent in them, but entirely useless, inasmuch as the petitioner has furnished no facts himself to warrant such an investigation, therefore the **committee** would ask to be discharged from further consideration of the petition.

Which was read and the committee discharged.

Mr. Frisbie from the select committee to which was referred an engrossed bill from the House of Representatives entitled,

"An act establishing certain state roads therein named, and for other purposes," reported the same with amendments, which were read and concurred in.

Ordered, That they be engrossed, and with the bill pass to a third reading.

Mr. Linton from the committee of free conference made the following report:

MR. PRESIDENT:

The committee of free conference appointed on the part of the Senate, to take into consideration the subject matter of the disagreeing votes between the two Houses on a bill organizing Probate courts and defining the powers and duties of executors, administrators and guardians, have discharged that duty, and agreed with the committee appointed on the part of the House, to make the following report:

1st. That the House of Representatives recede from their 7th and 8th amendments, and

2d. That the following be inserted in the bill in lieu of the 47th section, now in the bill which was struck out by the 13th amendment of the House.

Sec. 47. The said probate courts are hereby invested with

original jurisdiction in all suits at law and chancery upon all demands and causes of action against executors, administrators, guardians and their securities and representatives, arising upon any act done, duty omitted, forfeiture incurred or liability suffered in the discharge of their said trusts, or any of them, and of those they represent, and the said courts are also, hereby invested with all the powers usually exercised by courts at law and in chancery to carry those powers into full and complete effect.

Which was read and concurred in.

Ordered, That the House of Representatives be informed thereof.

The Senate proceeded to consider the orders of the day.

On motion of Mr. Lemon the bill of the Senate to regulate the State prison, was **taken** up, said bill was then amended, on motion of Mr. Lemon.

Ordered, That it be engrossed for a third reading.

Mr. Claypool having obtained leave offered for consideration and adoption the following resolution, to wit:

Resolved, That the Senate will, the House of Representatives consenting thereto, adjourn without day on Thursday the 10th inst., which was read and laid on the table.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have passed with amendments an engrossed bill from the Senate entitled, "an act to incorporate the first school society, in district No. 3, in township 13, range 13, in Fayette county."

They have also passed an engrossed bill of the House entitled, "an act changing the appropriation of a part of the 3 per cent. fund, made by the act to improve the navigation of Lost river, White Water river, and other streams therein named, approved Jan. 18, 1830."

In which and the amendments to the preceding, the concurrence of the Senate is requested.

The amendments proposed by the House of Representatives to the bill of the Senate entitled,

"An act to incorporate the first school society, in district No. 3, in township No. 13 north, range No. 13 east, in Fayette county," were considered and agreed to.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives entitled,

"An act changing the appropriation of a part of the 3 per cent. fund made by the act to improve the navigation of Lost river, White Water river and other streams therein named, approved Jan. 18, 1830," was by common consent read three times and passed.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have concurred in the report of the committee of free conference appointed to adjust the difference between the two Houses in relation to the engrossed bill of the Senate entitled,

"An act organizing probate courts and defining the powers and duties of executors, administrators and guardians."

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have agreed to the amendments proposed by the Senate to the engrossed bills of the House entitled,

"An act for building a bridge across Lick creek on the road leading from the high banks of White river to Indianapolis;"

"An act providing for the incorporation of towns," and

"An act to establish a State Library."

The engrossed bill from the House of Representatives entitled,

"An act relative to county boundaries," was read the third time and passed with amendments.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

Mr. Gregory moved to re-consider the vote refusing to pass the engrossed bill from the House of Representatives entitled,

"An act respecting free negroes and mulattoes, servants and slaves."

And on the question, shall the vote be re-considered? it was determined in the affirmative.

And the ayes and noes being demanded thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Pennington, Robb and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Lomax, Morgan, Orr, Sering, Watts and Worth—10.

Mr. Blair moved to lay said bill on the table.

And the ayes and noes being demanded thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Lomax, Morgan, Orr, Sering, Watts and Worth—10.

Those who voted in the negative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Pennington, Robb and Whitcomb—11.

So said bill was not laid on the table.

And on the question, shall the bill pass? it was carried in the affirmative.

And the ayes and noes being required thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Clendenin, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Pennington, Robb and Whitcomb—11.

Those who voted in the negative, are

Messrs. Blair, Claypool, Fletcher, Frisbie, Lomax, Morgan, Orr, Sering, Watts and Worth—10.

Ordered, That the House of Representatives be informed thereof.

Mr. Fletcher, from the joint committee on enrolled bills, now reported that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, to wit:

An act to authorize the Agent of the State, for the town of Indianapolis, to lay off the lands belonging to the State, into lots and offer the same for sale;

An act legalizing the proceedings of the trustees of the Green county Library and to provide for the election of president and trustees for the Owen county Library;

An act supplementary to the act, entitled an act authorizing the sale of the reserved sections of land in the reserved township of land in Monroe county, approved January 29, 1830;

An act regulating the taking up of animals going astray and water craft and other articles going adrift;

An act for the incorporation of county Libraries;

An act for the relief of insolvent debtors;

A joint resolution relative to the Auditor of Public Accounts;

An act to establish a state road from Rushville, in Rush county, to Greenfield, in Hancock county;

An act legalizing the proceedings of the board of commissioners of Hendricks county;

An act to legalize the proceedings of the board of Justices of St. Joseph county;

An act supplemental to an act concerning the town of Fort Wayne, approved January 3d, 1829, and,

An act for the relief of Ruth Thompson, of Wayne county.

The joint resolution from the House of Representatives, entitled, "a joint resolution of the General Assembly," was read the third time,

And on the question, shall this joint resolution pass?

It was determined in the negative.

The ayes and noes being demanded by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Depauw, Givens, Graham, Lemon and Robb—5.

Those who voted in the negative, are

Messrs. Blair, Claypool, Ewing, Fletcher, Frisbie,

Gregory, Linton, Morgan, Orr, Pennington and Sering—
11.

The engrossed bill from the House of Representatives, to change the road commissioner on the state road leading from Indianapolis to Lafayette, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof:

The engrossed joint resolution from the House of Representatives, entitled, "a joint resolution concerning the canal commissioners," was read the third time,

And on the question, shall this joint resolution pass?

It was carried in the affirmative.

And the ayes and noes being demanded thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frishie, Givens, Graham, Lemon, Linton, Lomax, Morgan, Pennington, Robb, Watts and Whitcomb—15.

Those who voted in the negative, are

Messrs. Blair, Gregory, Orr and Sering—4.

Ordered, That the House of Representatives be informed thereof.

The engrossed bills from the House of Representatives, entitled, "an act to establish and regulate ferries;"

"An act to authorize the vacation of towns," and the bill of the Senate, providing for the distribution of the laws and journals and for other purposes, were severally read the third time and passed, the bills of the House with amendments to each.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments to the bills of the House, and the passage of the bill of the Senate requested.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT:

The House of Representatives have agreed to all the amendments proposed by the Senate to the bill of the House, relative to county boundaries, except the 5th and 6th, and to these they have disagreed.

The Senate insisted on their amendments to said bill.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act for opening public roads and highways," and

The engrossed bill of the Senate supplemental to "an act providing for a sale of the donation lands around Indianapolis," were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the bill of the Senate and the amendments proposed to the bill of the House requested.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Blair,

The engrossed bill from the House of Representatives, entitled, "an act to provide for the location of certain state roads therein named," was taken up.

On motion of Mr. Blair, said bill was then amended.

Ordered, That the amendments be engrossed, and with the bill pass to a third reading.

On motion of Mr. Pennington,

The vote refusing to pass the engrossed bill from the House of Representatives, entitled, "an act to authorize Wm. Polke to convey certain lands to Jane Shuler," was reconsidered.

And on the question, shall this bill pass?

It was carried in the affirmative.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Watts, the bill dividing the State into judicial circuits and fixing the times of holding circuit courts therein and for other purposes," was taken up.

Ordered, That said bill pass to a third reading.

The Senate according to order resolved themselves into a committee of the whole on the bill from the House of Representatives entitled,

"An act appropriating a certain amount of the 3 per cent. fund," and the bill of the Senate, "appropriating \$20,00 of the 3 per cent fund," and after some time spent therein, the President resumed the chair, and Mr. Givens reported the same

with amendments, which were read and concurred in.

Mr. Robb moved to recommit the bill to the committee on roads, with instructions so to amend the same, that six hundred dollars of the 3 per cent. fund be appropriated to each county in this state, to aid in opening roads, erecting bridges and removing obstructions to the navigation in said counties; deducting from such counties as have obtained appropriations by the act passed at the present session of the General Assembly, the amount which has been so appropriated.

Mr. Blair moved to amend said instructions by striking out "\$600," and inserting in lieu thereof "\$400," the amount to be appropriated to each county.

And on the question, shall the instructions be so amended?

The ayes and noes being demanded by two Senators, the same are as follows, viz:

These who voted in the affirmative, are

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Morgan, Orr, Sering, Watts, Whitcomb and Worth—11.

Those who voted in the negative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Lomax, Pennington and Robb—10.

So said instructions were so amended.

Said bill was then re-committed to the committee on roads with said instructions.

Mr. Fletcher from the select committee to which was referred the engrossed bill from the House of Representatives, entitled,

"An act for the re-location of the county seat of Boone county," have amended the same by striking the same out from the enacting clause and insert in lieu thereof 3 sections,

Which was read and concurred in.

Said bill was then read a third time as amended and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

On motion of Mr. Claypool, the committee of the whole, to which was committed the bill of the Senate for the removal of the obstructions from the big Vermillion river, was discharged from the further consideration thereof.

Said bill was then by consent indefinitely postponed.

On motion of Mr. Gregory,

The engrossed bills from the House of Representatives, entitled as follows:

"An act compensating Benjamin Jones for building a bridge across Bussaron creek, near Eaton's mills in Sullivan county;"

"An act compensating Geo. Pea for extra cause-waying on the state road from Brookville to Indianapolis;"

"An act to provide for changing a part of the state road from Terre-Haute through the new discovery to Crawfordsville;"

"An act to establish a state road from Fort Wayne in the county of Allen, thence to the county seat of Elkhart county, and thence to the county seat of St. Joseph county;"

"An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county;"

"An act to locate a state road from Miami'sport, in Cass county, to intersect the Michigan road, in a direction to the southern bend of the St. Joseph river, where said road crosses the Tippecanoe river;"

Also bills of the Senate entitled,

"A bill appropriating part of the 3 per cent fund to the building of a bridge across Lost river, and for other purposes;"

"A bill appropriating a part of the 3 per cent. fund to build a bridge over big Blue river at Levenworth's mills;"

"A bill to provide for a state road from Spencer in Owen county, via Bowling-green to Terre-Haute;"

"A bill to amend an act to provide for the removal of obstructions to the navigation of Eel river;"

"A bill providing means to erect a bridge over the West fork of White Water river at Connersville;" was taken up.

Said bills were referred to the committee on roads.

The Senate according to order resolved themselves into a committee of the whole, on the bill to establish a College in the State of Indiana, and after some time spent therein, the President resumed the chair, and Mr. Graham reported the same with an amendment.

Mr. Ewing moved to refer said bill to the committee on revision, with instructions to have the title only of said bill published, which motion was determined in the negative.

And on the question, will the Senate concur in the amendment made in committee of the whole to said bill, which was by striking out the name of "Ovid Butler," and inserting the name of "James Parks" of Monroe county.

And on the question, will the Senate concur in said amendment.

The ayes and noes being demanded by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Ewing, Givens, Gregory, Lemon, Pennington, Whitcomb and Worth—9.

Those who voted in the negative, are

Messrs. Blair, Depauw, Fletcher, Frisbie, Graham, Linton Lomax, Morgan, Orr, Robb, Sering and Watts—12.

Said amendment was not concurred in.

Said bill was then laid on the table.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills and joint resolution, entitled,

An act concerning tenants holding over;

An act regulating the practice in chancery;

An act to provide for the commencement of a state house;

An act regulating grist mills and millers, and

A joint resolution relative to the printing of the laws.

And found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and joint resolution entitled as follows, to wit:

An act concerning tenants holding over;

An act regulating the practice in chancery;

An act to provide for the commencement of a state house;

An act regulating grist mills and millers, and

A joint resolution relative to the printing of the laws.

I am directed to bring them to the Senate for the signature of their President.

The President having signed said enrolled bills and joint resolution, they were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have agreed to the amendments proposed by the Senate, to bills of the House, entitled, "An act for opening and repairing public roads and highways;"

"An act to establish and regulate ferries," and

"An act to encourage the killing of wolves."

They have receded from their disagreement to 5th and 6th amendments proposed by the Senate to the engrossed bill of the House, entitled, "an act relative to county boundaries."

They have passed with an amendment, a bill from the Senate, entitled, "an act for the distribution of the laws and journals and for other purposes," in which amendment the concurrence of the Senate is requested.

They have agreed to the amendment proposed by the Senate to the engrossed bill of the House, entitled, "an act to authorize the vacation of towns," with an amendment, in which the concurrence of the Senate is also requested.

The Senate considered the amendment proposed by the House to the engrossed bill of the Senate, entitled, "an act for the distribution of the laws and journals and for other purposes."

Which amendment is, by giving the door-keepers, to each of the Houses, one copy each of the laws.

And on the question, will the Senate concur in said amendment.

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative, are,

Messrs. Clendenin, Ewing, Givens, Graham, Gregory, Lemon, Morgan, Robb and Sering—9.

Those who voted in the negative, are

Messrs. Blair, Claypool, Depauw, Frisbie, Linton, Lomax, Orr, Pennington, Watts, Whitcomb and Worth—11.

So said amendment was not concurred in.

Ordered, That the House of Representatives be informed thereof.

The Senate concurred in the amendment proposed by the

House, to the amendment proposed by the Senate, to the engrossed bill from the House, entitled, "an act to authorize the vacation of towns."

Ordered, That the House of Representatives be informed thereof.

On motion, the bill of the Senate, authorizing the re-printing of sundry acts and for other purposes," was taken up.

The Senate, by common consent, resolved themselves into a committee of the whole on said bill, and after some time spent therein, the President resumed the chair and Mr. Gregory reported the same with an amendment, which was concurred in by the Senate.

Mr. Depauw moved to amend said bill, by adding to that part of it, which continues in force, the law "regulating the practice of medicine," the following proviso:

"Except the 4th section thereof, which is hereby repealed," which 4th section reads as follows:

Sec. 4. No person not regularly licensed to practice medicine in this State, nor being a licensed practitioner in an adjoining State in which he resides, nor at the passage of this act a resident practitioner of medicine of this State, shall be entitled after one year from the passage of this act, to recover any thing by law for medicine and professional services as a physician or surgeon; nor shall any person not a member of a district medical society, or practising physician at the time of taking effect of this act, recover any thing for medical counsel, after the expiration of one year from the passage of this act: *Provided*, That nothing in this act shall be so construed as to affect the right of females to practice midwifery, or apothecaries, or others not professing to prescribe or practice medicine, from selling medicine and recovering payment therefor.

And on the question, shall this bill be so amended?

The ayes and noes being demanded thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Gregory, Lemon and Lomax—8.

Those who voted in the negative, are

Messrs. Blair, Ewing, Frisbie, Graham, Linton, Morgan, Orr, Pennington, Robb, Sering, Watts and Worth—12.

So said bill was not so amended.

On motion of Mr. Depauw, said bill was further amended by adding thereto, the following: "an act to establish a college in the State of Indiana, approved Jan. 18, 1828."

And on the question, shall the bill be considered as engrossed and read a third time now?

The ayes and noes being demanded by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Linton, Lomax, Pennington, Robb, Sering, Watts and Whitcomb—14.

Those who voted in the negative, are

Messrs. Blair, Frisbie, Gregory, Lemon, Morgan, Orr and Worth—7.

So said bill was ordered to be engrossed for a third reading.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have agreed to the amendment proposed by the Senate to the 3d amendment made by the House to the engrossed bill of the Senate, entitled, "an act declaring certain streams therein named, public highways and for other purposes."

They have also agreed to the amendments proposed by the Senate, to the engrossed bill of the House, entitled, "an act respecting free negroes, mulattoes, servants and slaves."

And the Senate adjourned.

WEDNESDAY, FEBRUARY 9, 1831.

The Senate assembled.

Mr. Ewing, on behalf of himself and others, entered the fo

lowing protest against the passage of a memorial to the Congress of the United States praying an extension of time for the commencement of the Erie and Wabash canal, to wit:

The undersigned, in behalf of themselves and those they have the honor to represent, now enter their solemn protest against the passage of a joint resolution in the Senate, asking of the Congress of the United States to authorize a conversion of the land granted to this state, in conformity with repeated memorials to construct the Wabash and Erie canal, to the construction of a Rail road: and contemplating a farther delay in the progress of the said canal—for the following, among many other reasons:

1st. Because it is glaringly inconsistent with our duty; and inexpedient and impolitic. The General Assembly prayed for aid to construct a canal, and accepted the grant with the conditions annexed, without any qualification, and the time has fully arrived when the best interests of the state *should not*, when the people themselves *will not*, longer be satisfied to see their certain prosperity postponed by a course of inefficient, vacillating legislation on the all-important subject of internal improvement. A Rail road constructed of durable materials, would cause an expenditure out of our own state, and cost at least double the sum required for the canal mentioned: and such a road would present no additional accommodation to our farmers to reach a market, as the canal would be navigable free of ice, as long as that of New-York, through which all our eastern exports and imports must pass. Without particularly adverting under this head, to the well known market of New Orleans, to which a great annual addition is now sent from the west, or reviewing our existing obligations under the act of last session in relation to the canal, it completely sustains the view we take of the resolution, that there is upwards of twenty thousand dollars in cash, of the canal fund, now deposited without gain in our state treasury: and this sum alone, with the accruing interest and cash from sales, would probably be sufficient for the first year, to make an advantageous commencement on the summit section. This commencement would not only prevent a certain loss of confidence in our legislation, that must operate very injuriously upon sales of land hereafter, (if it does not establish the otherwise unfounded suspicion, that the means donated could not accomplish the work,) but would also, by instilling confidence, have enticed a large increase to our population, and caused the next land sales to realize a larger additional amount than the sum

thus expended. The alarm erroneously attempted to be created, that the progress of the canal will lead to taxation, is evidently fallacious, from the fact that at the average price of land already sold, even where the location of the canal had been rendered somewhat doubtful, the whole grant would produce \$700,000—and the construction of the summit or middle section of the work, which intervenes between the waters of the Wabash and Maumee, (a commencement of which is all the friends of internal improvement asked for at this session,) will cost about \$230,000 only; leaving an amount of cash on interest, or land increasing in value, with the water power and tolls on the part completed, sufficient to finish the entire work long before the period required by the grant: and surely when the many disadvantages are considered under which the first sale of the canal lands was made, compared with the impulse which would be given by a laudable course of favorable legislation to provide for the undertaking, no reasonable doubt need be harboured, that the future sales would far exceed the past. We occupy in every point of view, a much better situation comparatively to proceed with our canal than that in which New-York or Ohio were placed when they commenced their works; which are durable monuments of the patriotism and foresight of their legislatures. They had no special funds; they were each in debt, and solely dependent on taxation: on the contrary, as canal advocates, we neither asked nor required taxation. We asked graciously to be permitted to use a boon granted for an improvement equally important, and at a rate less expensive than theirs—we have been denied—yes, worse—we have been mocked by seeming pretexts, equally incompatible in our view, with individual rights, general prosperity, and public faith. Under a firm conviction that the Wabash and Erie canal, if now constructed, would in thirty years redeem all debt and interest of the expenditure it will require, in addition to the improvement of the Wabash and Maumee rivers, the undersigned would advocate a simultaneous commencement of these works as politic, by a nominal use of state credit without any resort to taxation, if no grant of land had been made to enable the state otherwise to accomplish her happy destiny: and the experience of every man will demonstrate that it would be politic and patriotic to do so. The effect of intimacy and intercourse between states is the same as between individuals; and time is daily manifesting that the ligaments of internal communication as clearly binds the states of this Union together as the solemnity of any

adopted parchment. This consideration, it is believed, should beget an ardent engagedness in every measure calculated to produce union hereafter: more especially when Indiana might thus arise from her present imbecile submission to indirect taxation levied by the enterprize of sister states, for manufactures we could command at home, and become a state of freemen in reality; no longer a people dependent on others to supply our wants—a people “whose freedom being by sufferance and at will, are never free.” There is no state in the Union more interested in the demand for corn and bread stuffs, than ours. These compose our staple articles of export. True, we are out of the immediate range of European politics; but our state is central in the Union, and coupling our position and circumstances, foreign events must affect our agricultural interests. Yet situated as Indiana is, without an eastern outlet, where nature seems to have ordained it should be made, the products of her agriculture may moulder and rot on her rich prairies and bottoms, or be sent to a glutted market to be sacrificed, unless her energies compete with sister states, whose enterprize is awakened to the absolute necessity of securing through such an outlet, a full developement of their agricultural, manufacturing, and commercial facilities.

One of the ostensible reasons urged for delay, that the state of Ohio has not stipulated with us to progress with the portion of the canal within her boundaries, is entitled to the less weight now, because it weighed not with many last session, (who now appear to be overpowered by it) when they, with the undersigned, covenanted to progress with a portion of the canal in due time, and invited purchasers of our canal lands upon that pledge; manifesting inconsistency in our legislation as unaccountable as it is fatal, and altogether to be lamented. And on this subject it was proposed to be perfectly at liberty (and so passed this body, by requesting of Congress power) to apply the proceeds of the part of the canal lands lying in Ohio, to an improvement of the Maumee river, (a public highway of the United States,) by a slack water navigation, fitting it for successful steam-boat operation—an improvement which promises to suit that river, and would leave us entirely independent of the course which other engagements of Ohio may require of her to adopt, to-wit: a primary attention to her other works. But the loss to the state by adopting the course pointed out by the rail road, procrastinating resolution, is direct, unavoidable and immense. With regard to securing the grant of land made to us for this canal, it is placed in extreme jeopardy:

as if the commencement is not made by next March a year, the whole grant is forfeited; and surely such commencement after another session, if at all practicable, within the time limited, will be made under great disadvantage. With regard to the relinquishment of our claims on the purchasers of our canal lands and the liability thereby entailed, which is consequent on our failing to commence the canal, (*not a rail road*) by the time which the state stipulated, without any condition for further time from congress to commence, it may cause a loss, comparable only to the check which this whole rail riding scheme gives to the settlement, improvement and value of the whole Wabash country, and of our remaining canal lands; as all confidence will be shaken in our public acts and obligations.

2nd. Because, no right under the constitution can be assumed to interfere with existing contracts; and the aforesaid resolution contemplates a course evidently unconstitutional and unjust; a course therefore, that may inflict on Indiana a loss not to be computed by dollars and cents—a loss of character for integrity and consistency, which our individual obligations to adhere to the constitution should have prevented us from indelibly stamping upon the whole state. We *contracted* with the U. States to construct the canal, by accepting the grant of land with the conditions thereto affixed for such construction. We *contracted* with the state of Ohio by ratifying a compact made with her, to construct the portion of the canal within our boundaries, which Ohio can enforce from us by a similar ratification; and finally, we *contracted* with each of our fellow citizens who would purchase canal land under the law of the last session, to the following effect:

“That pursuant to the condition of the grant of said land by congress, and for the full security of purchasers of any part thereof under this act, it is hereby expressly covenanted on behalf of the state of Indiana, that the said lands so received by donation, the principal, interest and all avails arising therefrom, including all tolls and water privileges reserved, shall be, and the same are hereby irrevocably pledged, for the commencement of the said canal within the limit fixed by congress, and for the purpose of constructing and completing the same, and for no other purpose whatever.”

A fair keeping of this covenant is all the friends of internal improvement have asked; and the reasons glanced at shew why this protest is indispensable, to expose so palpable an attempt to violate it by *changing the improvement from a canal*

to a rail road, and delaying the commencement of the work beyond the time fixed by Congress, without first procuring, beside the assent of congress, the free consent of every individual citizen, however poor, or having however small a portion of the land sold under the covenant, who became entitled to rights, which no majority of state representatives for the time being should attempt to infringe. The people of Indiana will, it is believed, never spurn, or heedlessly slight their obligations under any circumstances, but will hereafter exact an adherence to the general interests, and a conformity to their constitution, all mistaken and contracted views to the contrary notwithstanding.

JOHN EWING,
JOSEPH ORR,
WM. C. LINTON,

JAMES BLAIR,
DANIEL WORTH.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts, as follows, to wit:

An act concerning the corporation of the town of Lawrenceburgh;

An act appropriating money to erect a bridge over Lick creek, in Owen county and for other purposes;

An act changing the appropriation of a part of the three per cent fund, made by the act, to improve the navigation of Lost river, White Water and other streams therein named, approved Jan. 18, 1830;

An act to establish a State Library;

An act for the formation of the county of Grant, and for attaching certain territory therein named;

An act for the relief of the poor;

An act to change the road commissioner on the state road leading from Indianapolis to Lafayette;

An act to encourage the killing of wolves;

An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, also,

A joint resolution on the subject of the revised laws, and

A joint resolution concerning the canal commissioners,

And had found the same truly enrolled.

Mr. Sering, from the select committee on that subject, made the following report, to wit:

MR. PRESIDENT:

The select committee, to which was referred the engrossed bill for the benefit of the minor heirs of Caleb Shelledy, deceased, as also the petition of the heirs of William Graham, deceased, have had the same under consideration and are of opinion that the revised law of this session, to organize probate courts and defining the powers and duties of executors, administrators and guardians, contains a provision giving the relief prayed for by the petitioners. Your committee therefore, recommend the indefinite postponement of the bill and ask to be discharged from the further consideration of the petitions referred to them.

Which was read and the committee discharged.

Said bill was then indefinitely postponed.

Mr. Pennington from the select committee, to which was referred the communication of the Governor, relative to books detained by him, from the State Library, made the following report:

The committee to whom was referred the communication of his Excellency the Governor, in answer to the resolution of the Senate, requesting the Louisiana code to be placed in the State library, which communication reads as follows, to wit:

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, Jan. 11, 1831. }

HON. MILTON STAPP,
President of the Senate,

Sir: I have received the resolution of the chairman of the committee of education, of this date, requesting me to place the Louisiana code in the State Library. I have complied with the request of this resolution; but, not because I recognize in the Senate, any right to make such a call. The Executive of this State, considers himself bound by its laws, and responsible for any thing he does, to the people of the State, or their Representatives; but not subject to the direction of a Senate. This volume of laws is placed in the Library, not at the instance of the Senate, but because I discover an evident determination to wrest it from my hands, on the part of those who cannot endure the idea of having a code of laws for Indiana, and because I am unwilling further to subject myself to those splenetic effusions which have already signally disgraced the State. Has any man in the State wished to see or use

this book? No one has requested it of me, since it has been in my possession.

This book has never until now, been in the Library. When I was at Washington in 1828, I had an interview with Mr. Livingston, the author of it, and informed him that it was my intention to embody its valuable provisions in a code for this State. I found a copy of said code indorsed to me *by name*, in the post office at this place. I have *no* evidence that it is the property of the State, but have made it so by voluntarily placing it in the Library. If it were the property of the State, why is a different course adopted towards the Executive, to acquire it, than against others? On looking over the books of the Librarian, I discover that books are charged to divers public officers and members of the Legislature, including the Senators; to some recently; to others more remotely, and no credits entered for their return. I find that Judges of the Supreme court, who had books out, were called upon *privately*, for them, when their use was needed; but the Governor must be called upon *publicly*, with a view of exciting a suspicion of his moral honesty.

Furthermore, few can plead ignorance of the fact that I have had this book in use, as a model in preparing a code, from which extensive selections of matter were to be made. The course now pursued by the Senate, is considered an attempt to deprive me of the principal book of reference in the prosecution of my design, so as to defeat the project of making a code of laws. It may have that effect.

I would ask in the name of that country, which has placed me where I am, why the Executive of the State is not entitled to equal privileges with other men—with other officers—*with Senators*? Why is he called upon to return a book, whilst a great many volumes of books are out in other hands, even in the hands of *Senators*, and no call is made for them?—Why is a different course adopted towards the Governor, than against other men? How uncourteous would it be for the Governor to send his request to each individual who now is in possession of the State's books, to return them to the library? The Executive conceives himself as independent of the Senate, as the Senate can possibly conceive itself of him. The constitution makes them thus independent of each other, and the Governor feels the obligations of his oath. To the **LAW**s, which the Senate, as a co-ordinate branch of the Government, may aid in passing the Executive will submit, but not to

their *extra constitutional decrees*. The Governor understands his duty and will fearlessly in all cases perform it.

Respectfully, your obedient servant,
JAMES B. RAY.

Having examined that communication, the resolution to which it was an answer, and having made some inquiries as to the correctness of the statements in that communication, respectfully beg leave to report, that it is with much regret that they have been compelled to notice the communication in question, but inasmuch as the Senate are accused by his Excellency, with attempting to "wrest from his hands," what he intimates to be his property; with not being able "to endure the idea of having a code of laws for Indiana;" with having subjected him to "splenetic effusions which have signally disgraced the State;" with having "called upon him publicly, with a view of exciting a suspicion of his moral honesty;" with having attempted to deprive him "of the principal book of reference in the prosecution of his design of making a code of laws so as to defeat his project;" with "adopting a different course towards the Governor than against other men;" and with having made in relation to him "*extra constitutional decrees*," it is the duty of the Senate to make suitable atonement for these offences if they have been committed or if they are unjustly charged, to shew their incorrectness. Your committee have not been able to discover any want of decorum in the proceedings of the Senate, the substance of which in relation to this matter they have thought best to set forth.

On the 29th Dec. last, a resolution was adopted, calling for information on various points relating to the State Library, and amongst others, respecting the Louisiana code and the books absent from the Library. In answer to this resolution, the Librarian reported, that the Governor, on the 3d January, deposited in the Library about 50 volumes and pamphlets, and also stated that it did not appear from his books, that the Louisiana code had been in the Library. Accompanying the report, was a letter of the Governor, which stated that he had Livingston's Louisiana code in use and was chargeable with Sey's Political Economy, and except these, he sent late arrivals, &c. mentioning some of the volumes reported by the Librarian. The Senate, not conceiving from the Governor's communication that any property in the Louisiana code was claimed by him, on the 8th Jan. adopted a resolution instructing the committee on education, to address a respectful letter

to the Governor, soliciting him to return said code to the Library for the use of the Legislature during the present session, and accordingly the chairman of that committee, by the following note to the Governor, respectfully requested his compliance with the resolution:

Indianapolis, Senate Chamber, Jan. 11, 1831.

HIS EXCELLENCY,

JAMES BROWN RAY:

DEAR SIR—The committee on Education, by a resolution of the Senate are instructed respectfully to ask your Excellency to place in the State Library, subject to its regulations the Louisiana civil code, which by your letter to the librarian, now referred to the committee, is understood to be in your hands.

The committee trust your Excellency will believe that in being the organ through which the Senate proposes to exercise a due degree of watchfulness over the State Library, they will only accord in your wishes and efforts to protect public property, and that they doubt not you will readily communicate any matter tending to promote this object.

By order of the Committee.

W. C. LINTON.

In reply to this resolution and note, the Governor has made the charges under consideration and to shew that the code is his private property, has stated that when he "was at Washington, in 1828, he had an interview with Mr. Livingston, the author of it, that he informed Mr. Livingston, that it was his intention to embody its valuable provisions in a code for this State, that he found a copy of said code indorsed to him *by name*, in the post office at this place, and that he has no evidence that it is the property of the State." Your committee cannot but express their surprise at this statement, as one of them and also another member of the Senate, had seen the code in question in this place, long before the time mentioned by the Governor. The chairman of the committee has also addressed inquiries to other gentlemen and has their answers, by which it appears that the Louisiana code was received as early as 1826. From an examination of the drafts on the contingent fund, and from the postmaster's statement, it appears that the Governor has uniformly charged the State with the postage of all books directed to him.

Until the committee ascertained these facts, they were at a loss to conceive why the Governor should suppose that the respectful proceedings of the Senate, towards him were "with a view of exciting suspicions of his moral honesty." Your committee cannot object to his drawing his own conclusions, tho' they do not perceive any thing in the proceedings of the Senate from which a mind conscious of integrity, should have arrived at a similar result. As to the suggestions respecting the code, the probable loss of it, and the consequences of that loss, your committee are not prepared to express an opinion. Before accusing the Senate of attempting to defeat it, the Governor should have recollected that he originally promised to have it ready for the year 1829, that when called upon in the early part of this session, he would give no satisfaction respecting it, and that when the resolution in question was adopted, his examination and approval of the revised laws, which were then rapidly passing, could leave him but little time for codification. Surely it must require a strange perversity of mind to suppose that the wishes of the Senate to examine *such a work at such a time*, and for a few days only, could be deserving such animadversions.

That the Governor declined returning to the Library, the volumes in question, is evident from his letter of the 3d Jan. If others have refused to return books it is unknown to your committee. Your committee therefore cannot conceive the slightest ground for styling the resolution of the 8th ultimo, a "splenetic effusion," or an "*extra constitutional decree*," nor how a less exceptionable course could have been taken by the Senate. Respect for the body to which they belong, will not permit your committee to characterize in proper terms, the communication under consideration. They wish merely to protect the Senate from slander and misrepresentation, for which no ingenuity can form an excuse.

Your committee would have concluded their report with the foregoing remarks, did they not consider themselves bound to notice the annexed communication from the Governor to their chairman, which was received when their labors were nearly completed:

Indianapolis, Indiana, Jan. 31, 1831.

HON. DENNIS PENNINGTON:

SIR—Understanding that you have *privately* addressed some notes to gentlemen of this place, in behalf of the committee, to whom my communication to the Senate relative to the Louis-

iana code, was referred, touching matters of *fact*, which you suppose form a part of said communication, with the view of collecting materials in an *ex parte* way, for my censure, I must in justice to myself and in hostility to such an unfair course, request of you, and through you, of the committee, (as I have already *verbally* done ineffectually,) that in any matter before you involving *facts*, or private rights, affecting my veracity or standing, you will specify the *points* in controversy, (if any) in writing, and furnish me with a copy of the same; and give me an opportunity of being heard in the premises, *previous* to condemnation, so that the *whole* facts may go together.

I regret that my communication *now* before the committee, *is not* understood, because, to avoid prolixity, every sentence was not accompanied with reasons or explanations in *extenso*. As it has been intimated, that the committee, doubt whether my communication was not *intended* to set up a claim to said code, as individual property; and whether I did not intend to convey the idea, that I had received it *since* I conversed with Mr. Livingston in 1828, I take this occasion to say, that such was neither my *language* nor *intention*. This book, I always treated and considered as the State's, from the time it was received, in the absence of evidence that it was so in fact, and I intended depositing it in the library when I had *done* with it, and not before.

If there is any *other* thing ambiguous or doubtful in said communication, I shall expect that the committee will afford me an opportunity to *explain* or contest it.

I have the honor to be, &c.

JAMES B. RAY.

This proceeding, on the part of the Governor, has been a matter of little astonishment to your committee. If he were desirous of retracing his statements, or of acknowledging the injustice of his charges against the Senate, the proper mode of doing so, must have been apparent. Either the withdrawal of the offensive communication or the correction of its errors, and an apology for causeless censures would have relieved your committee from this unpleasant examination. Instead of the course which propriety plainly dictated, the opinions and proceedings of the committee are anticipated and forestalled on the supposition, that an inquiry into *facts* might affect his "veracity." Without complaining of the indecorum of this interference with their concerns, your committee will hastily examine some of the contradictions in the

two statements. In the one, the burden of complaint is, that the Senate wish "to wrest," from him property that he "found in the postoffice, addressed to him *by name*, and which he has no evidence "that it belongs to the State." In the other it was never his "intention to set up a claim to said code as individual property." In the one, it appears that the code was forwarded to him in pursuance of his wishes expressed to Mr. Livingston in 1828.

In the other, it is not pretended but that it was received long before that conversation, and this fact is substantiated by the statements of a number of gentlemen, beyond the possibility of doubt.

"In the absence of evidence that the work was the property of the State," he yet pays all charges out of the State Treasury, as appears from his own drafts and the certificate of the postmaster. "He considers himself bound by the *laws*," which require periodical returns of books to the Library, and yet makes it a subject of great complaint, "that volumes are called for after being retained more than four years.

He complains of a conspiracy against his "code of laws for Indiana," but gives no proof that that work has ever been commenced. If these remarks be deemed severe, they are called for your committee believe, by repeated violations of truth and utter disregard of decorum, in his communications to the Senate.

Your committee ask to be discharged from the further consideration of the subject.

Indianapolis, Feby. 1st, 1831.

HON. DENNIS PENNINGTON,

Dear Sir—Your note of yesterday, requesting me "to state, if I know, at what time I first saw the Governor have in his possession the civil code of Louisiana, otherwise called the Livingston code," has been received. In reply to your inquiry I answer, that I cannot now say at what precise date I first saw a copy of the work in his possession: but I can say with certainty that I saw repeatedly, a copy of the civil code of Louisiana in the possession of the Governor as early as the summer or fall of 1826.

I am, with sentiments of respect,

Your ob't. serv't.

B. F. MORRIS.

Indianapolis, 1st February, 1831.

TO THE HON. DENNIS PENNINGTON,

Sir—Your communication of the 31st Jan'y. is now before me—and I comply with its requisitions with some degree of reluctance, as it has been my misfortune never to be on very good terms with Governor Ray. But when called on by a committee of so respectable a public body as the Senate of Indiana for any information which so obscure an individual as myself may possess, I should be guilty of a dereliction of duty to withhold it.

You ask if I know at what time the civil code of Louisiana came into the possession of the Governor. My first impression was, that he received it in the fall of 1825—but in this I may be mistaken, and it might have been in the spring or summer of 1826. Of one thing I am certain, that it was before he was appointed to treat with Indians in the fall of 1826. I was present when he took the large code out of the postoffice, & saw him take the envelop off of it, and some conversation took place about it at that time between us, as we happened to be on speaking terms. The code of practice I have no recollection of seeing until the summer of 1827, when I saw that and the large one together at the office of a gentleman in this town, who informed me he had them on loan from the Governor: and I was astonished when I saw the communication of His Excellency to the Senate, in which it would seem he intended to convey the idea he had received them after his return from Washington city in the spring of 1828; but he may have other copies of the same work for any thing I know. There are a number of the citizens to whom the facts relative to the civil code (the large volume) must be known as well as myself, because it was seen at the post office by several before taken out, and I was once present when a conversation relative to the postage on it took place between the post-master and others.

I am, sir, with great respect,

Your obedient servant,

H. GREGG.

Indianapolis, Indiana, Feb. 1, 1831.

DEAR SIR—In reply to your note of Jan. 31, I can only say that to the best of my recollection that I first seen the civil code of Louisiana, in the possession of His Excellency the Governor, in the year of 1827, but at what time in that year, I cannot positively state at this time, but I think it was in the

spring of 1827, that I first seen the book in the possession of the Governor.

Yours respectfully,

JOHN CAIN.

MR. D. PENNINGTON.

Indianapolis, February 1st, 1831.

DENNIS PENNINGTON, ESQ:

SIR—In answer to your inquiries, as to the time the Governor received the civil or Livingston code of Louisiana, and whether the postage was paid by order on the Treasury, or out of the Governor's private funds; will say it has been a long time since this transaction, that I do not distinctly recollect the time the books came to hand, but believe it was received while the Governor boarded with James M. Ray, some time in 1826; with regard to the postage I have no hesitation in saying I received it at the Treasury, as the Governor paid me postages in no other way, until some time after the time above mentioned as the papers in the Treasurer's possession will show.

Very respectfully, your most obedient servant,
SAMUEL HENDERSON.

Indianapolis, 8th February, 1831.

HON. JAMES MORRISON,
Librarian of the State Ind.

Dear Sir—Will you be so good as to inform me whether any of the Senators of the present General Assembly have taken out of the State Library any books belonging to said library, contrary to the rules and regulations of the same.

Very respectfully,
DENNIS PENNINGTON.

JAMES MORRISON, ESQ.

In answer to the foregoing inquiry I can only say, I have no knowledge of any violation, by Senators or Representatives, of the rules of the Library during the present session, unless some of them may have retained books taken out, more than *ten days*, which is an occurrence which has been heretofore common during previous sessions.

Very respectfully, your ob't. serv't.
JAMES MORRISON.

HON. DENNIS PENNINGTON.
Feb. 8, 1831.

I hereby certify that in the summer of 1827, I borrowed of Gov. Ray the civil code of Louisiana, also the code of Practice in civil cases for the state of Louisiana. To this I am willing to swear.

A. INGRAM.

Indianapolis, Jan'y. 21, 1831.

Indianapolis, Jan. 29, 1831. -

D. PENNINGTON, Esq.

Sir—It is not in my power to specify all the particulars you wish to know in relation to the drafts on the contingent fund for postage. After examining those drafts, I can state the following facts, a part of which you saw for yourself when as one of the committee of ways and means you examined those drafts. For the last four years the Governor has uniformly made his drafts on the back of the bill or account of the Postmaster. This bill specifies the postage charged in the previous quarter or half year, as the case may be, against the Governor and other public officers here. None of them except the Governor admit their private postage into this account, but his is entered specifying the sum for letters, that for newspapers, and that for books, &c. At the bottom of his account the Governor makes deductions for what he calls his "newspaper and private letter" postage. These deductions in the last four years amount to \$30 74 $\frac{1}{2}$, and the amount paid by the state for him in that time is \$157 39 $\frac{1}{2}$. He has in no instance charged himself with postage but as above.

The following is a copy of the papers by which the state is charged with the carriage of the map of Virginia, with the same erasures as in the original:

| | |
|---|--------|
| "His Excellency the Governor of Indiana | |
| To Irwin and Whiteman, | Dr. |
| To charges on Map, | \$2 00 |
| Pay to John H. Newland. | |
| IRWIN & WHITEMAN, per | |
| T. D. WASHBURN. | |

Cin. 13 Aug. 1829.

| | |
|---|--------|
| "\$3 00. The State of Indiana to John H. Newland, Dr. | |
| To money paid Irwin and Whiteman for charges | |
| on map as per account, | \$2 00 |
| For hauling the same to this place, | 1 00 |
| | <hr/> |
| | 3 00 |

SAML. MERRILL, Esq. Treas'r. of State,
 Sir—Pay to Mr. John H. Newland the said sum of \$3,00
 out of the contingent fund, the same being correct. Aug.
 26, 1829, Inds. Inda.

J. BROWN RAY,
 Gov. Inda."

I am yours, &c.
 SAML. MERRILL.

Which was read and the committee discharged.

Mr. Pennington then moved the adoption of the following
 resolution:

Resolved, That the Senate concur in the reasoning and cor-
 rectness of the foregoing report.

And on the question, shall this resolution be adopted?

The ayes and noes being demanded by two Senators, the
 same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Giv-
 ens, Graham, Gregory, Linton, Lomax, Orr, Pennington, Robb,
 Sering, Watts, Whitcomb and Worth—16.

Those who voted in the negative, are

Messrs. Depauw, Ewing, Lemon and Morgan—4.

So said resolution was adopted.

On motion of Mr. Worth,

Resolved, That an additional committee on enrolled bills be
 appointed.

Ordered, That Messrs. Sering and Depauw be the com-
 mittee.

Mr. Pennington introduced "a joint resolution relative to
 public offices," which was read three times by common con-
 sent and passed.

Ordered, That the House of Representatives be informed
 thereof, and their concurrence requested.

Mr. Clendenin introduced "a joint resolution of the Gener-
 al Assembly of the State of Indiana," which was read twice
 and ordered to a third reading.

Mr. Claypool asked and obtained leave to withdraw the pe-
 titions on the subject of the two roads leading from Conners-

ville, one to Louisville, the other to intersect the national road at Knightstown.

The bill of the Senate for the regulation of the State Prison was read the third time,

And on motion of Mr. Linton, said bill was referred to a select committee.

Ordered, That Mr. Linton be the committee.

Mr. Gregory, from the committee on roads, made the following report, to wit:

MR. PRESIDENT:

The committee on roads, to whom was referred a number of bills appropriating a portion of the 3 per cent fund, have agreed to strike out of the bill, from the House of Representatives, appropriating a certain amount of the 3 per cent fund, from the word "that," in the second line of said bill, and insert a number of sections, and have agreed to postpone indefinitely the following bills, as having been provided in said amendment:

A bill of the Senate appropriating \$20,000 of the 3 per cent fund;

A bill appropriating \$500 for building a bridge across Lost river, in Orange county, and report back, without amendment the following bills:

A bill providing means to erect a bridge over the west fork of White Water river, at Connersville;

A bill to provide for the location of a state road from Jehu Perkins', in Rush county, to Napoleon, in Ripley county, with amendments, and

An act to locate a state road from Miamisport, in Cass county, to intersect the Michigan road in a direction to the southern bend of the big St. Joseph river where said road crosses the Tippecanoe river;

A bill to provide for a state road from Spencer, in Owen county, via Bowlinggreen to Terre Haute;

A bill to establish a state road from Fort Wayne, in Allen county, thence to the county seat of Elkhart county, and thence to the county seat of St. Joseph county;

A bill compensating George Pea;

A bill for building a bridge across big Blue river at Levenworth's mills.

Which was read and concurred in.

Mr. Fletcher from the joint committee on enrolled bills re-

ported that they did on this day present to the Governor for his approval and signature, the following enrolled bills, to wit:

- An act to provide for the commencement of a state house;
 - An act concerning tenants holding over;
 - An act regulating the practice in chancery;
 - An act regulating grist mills and millers;
 - A joint resolution relative to the printing of the laws;
 - An act to encourage the killing of wolves;
 - An act appropriating money to erect a bridge over Lick creek, in Owen county and for other purposes;
 - An act for the formation of the county of Grant and for attaching certain territory therein named;
 - An act to change the road commissioner on the state road leading from Indianapolis to Lafayette;
 - An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges;
 - An act concerning the corporation of the town of Lawrenceburgh;
 - An act to establish a State Library;
 - An act changing the appropriation of a part of the 3 per cent fund made by the act to incorporate the navigation of Lost river, White water and other streams therein named, approved January 18, 1830;
 - An act for the relief of the poor;
 - A joint resolution concerning the canal commissioners;
 - A joint resolution on the subject of the revised laws.
- The bill of the Senate to appropriate a part of the 3 per cent. fund, was read the 2d time, and committed to a committee of the whole Senate and made the order of the day for now.

Whereupon the Senate resolved themselves into a committee of the whole on said bill and after some time spent therein, the President resumed the chair and Mr. Lemon reported the same with amendments, which were read and concurred in.

Mr. Ewing moved to amend said bill by adding thereto the following, viz:

“That there be and is hereby appropriated \$3000, of the 3 per cent fund to the Wabash river, to increase the present existing sum now set apart to defray the expense of improving said river, and two thousand dollars to each fork, termed the east fork and west fork of White river, and \$1000 to improve the navigation of White river between the confluence

of said forks, and the south point where said river disembogues itself into the Wabash, all of which sums appropriated as aforesaid are to be expended under such regulations as the General Assembly may hereafter direct."

And debate arising thereon, the previous question was called for by Mr. Morgan, and the call being sustained by five Senators the said previous question was put in the form prescribed by the rules of the Senate, that is to say, shall the main question be now put?

And the ayes and noes being required thereon by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Givens, Graham, Gregory, Lemon, Lomax, Morgan, Pennington, Sering and Watts—12.

Those who voted in the negative, are

Messrs. Blair, Ewing, Fletcher, Frisbie, Linton, Orr, Robb, Whitcomb and Worth—9.

And it passed in the affirmative.

The said main question, viz: shall said bill pass to a third reading? was then put, and it was carried in the affirmative.

Said bill was then read the 3d time when,

Mr. Ewing moved to re-commit it to a select committee with instructions, so to amend the same that there be appropriated three thousand dollars to the Wabash river, and \$2000, to each of the forks termed the east fork and west fork of White river between the confluence of said forks, and the south point where said river disembogues itself into the Wabash, all of which sums so appropriated to be expended under such regulations as the General Assembly may hereafter direct.

And debate arising thereon, Mr. Morgan called for the previous question, and the call being sustained by five Senators, the said previous question was then put in the form prescribed by the rules of the Senate, that is to say, shall the main question be now put?

And the ayes and noes being required by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Pennington, Sering and Watts—14.

Those who voted in the negative, are

Messrs. Blair, Ewing, Orr, Robb, Whitcomb and Worth—6.

And it carried in the affirmative.

The said main question, viz: shall said bill pass? was then put.

And the ayes and noes being required thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Frisbie, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Pennington, Robb, Sering and Watts—16.

Those who voted in the negative, are

Messrs. Blair, Ewing, Orr, Whitcomb and Worth—5.

So said bill passed.

On motion of Mr. Robb, the title of said bill was amended by adding thereto these words "and for other purposes."

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by His Excellency the Governor to inform the Senate that he did on this day approve and file in the Secretary's office, the following acts:

An act for the relief of Ruth Thompson of Wayne county;

An act for the relief of insolvent debtors;

An act for the incorporation of county Libraries.

A message from the House of Representatives by Mr. White their assistant Clerk.

MR. PRESIDENT:

The House of Representatives have receded from the amendment proposed by them, to the engrossed bill of the Senate, entitled "an act to provide for further distribution of the laws and journals, and for other purposes."

The joint resolution of the General Assembly of the State of Indiana, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill of the House, entitled,

"An act to establish a state road from Centreville to Winchester and from Winchester to Washington."

They have also passed with an amendment an engrossed bill from the Senate, entitled,

"An act supplemental to an act providing for a sale of the donation lands around Indianapolis."

In which amendment and the preceding bill of the House, the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives, entitled,

"An act to establish a state road from Centreville to Winchester, and from Winchester to Washington," was by common consent read three times and passed.

Ordered, That the House of Representatives be informed thereof.

The Senate considered and disagreed to the amendment proposed by the House of Representatives, to the bill of the Senate, entitled,

"An act supplemental to an act providing for a sale of the donation lands around Indianapolis."

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and joint resolutions, entitled acts, I am directed to bring them to the Senate for the signature of their President:

An act for the relief of the poor;

An act to change the road commissioner on the state road leading from Indianapolis to Lafayette;

An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges;

An act to encourage the killing of wolves;

An act to establish a State Library;

An act for the formation of the county of Grant and for attaching certain territory therein named;

An act concerning the corporation of the town of Lawrenceburgh;

An act appropriating money to erect a bridge over Lick creek, in Owen county and for other purposes;

An act changing the appropriation of a part of the 3 per cent fund made by the act to improve the navigation of Lost river, White water and other streams therein named, approved January 18, 1830;

A joint resolution concerning the canal commissioners;

A joint resolution on the subject of the revised laws.

The President having signed said bills and joint resolutions, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communications from the Governor:

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, February 9th, 1831.

HON. MILTON STAPP,
President of the Senate,

Sir: Having read in the NEWSPAPERS, a report and some

resolutions, purporting to have emanated from Dennis Pennington, as chairman of the committee to whom my communication relative to the appointment of Supreme judges, was referred; and finding that they contain sentiments tending directly to endanger our institutions and excellent constitution—are *hypothetical* and *delusive* in their assumptions and deductions, and were intended to operate upon the Executive of the state, without furnishing him with an *opportunity* of answering them, he is *driven*, therefore, to the unpleasant necessity of respectfully requesting, that the Senate will furnish him with an *official* copy of the same, to enable him to answer them, at *as early* a day as possible, before the close of the session. He is *informed*, that the report and resolutions are lying upon the table, subject to be taken up and acted upon at a late hour of the session, when all his time will be required for other official duties, than that of so necessarily answering the *alarming* doctrines of the said report and resolutions. The present task is, in truth, an unwelcome one, of requesting the senate to do, in this instance, what has been the *custom* of that body, in all similar cases, heretofore, to furnish the Executive with copies of all proceedings of that body, requesting of him the performance of any act, to enable him to *comply* with the request made, or offering his reasons for *not* doing so. When he looks back, however, to scenes which have taken place, in the *last hour* of a session, when a Senate chamber was made the theatre of attack, upon motive (which Senators knew nothing of) as well as conduct, upon an Executive, not anticipating the *secret blow*, who was then labouring for the accommodation of his conspirators, that they might return towards their homes and families in the following morning; and to the resolves passed **WITHOUT NOTICE** to him, or even any thing taking place but an **EX PARTE** investigation, (*on one side without notice to the other,*) and for nothing but the performance of a constitutional and legal duty, or act; he must, however, admit one exception, and be admonished to be aware of a repetition of the parallel of the “*Ides of March.*” If the lawmaking power shall have abandoned the exercise of their legitimate functions, to perform *which* and nothing but *which*, the people gave them license, to exercise an **INQUISITION** and **SUPERVISION** over the officers of the people, in a way **UNKNOWN** to the constitution or the laws, and for the gratification of personal feelings, and fatal to *liberty* and an *equality* of rights; the intended **VICTIMS** of such a *persecution* under the mask of official sanctity, are entitled by all of the known rules of justice, to at *least* the privilege of the

highway robber—the *incalculable privilege of being HEARD*. And when *lawyer malice* and *long cherished revenge*, are permitted to constitute the thirsty stiletto in the hand of a Casca, reckless of *sacred ties*, the law, constitution, custom, or “*official courtesy*,” or *official comity*,” or *immemorial principles*, or *usages*; of another’s *feelings* or another’s *name*—it is *time*, that the sword of *TRUTH* and *justice*, were performing its *eternal* office. The priceless shield of the officer and the citizen, is the right of uncovering the *unseen assassin* that lurks in the dark, pouring atrocious calumnies into the ears of my *compeers* in *power*; and of exposing the guilty crimson of their faces to the world, for encouraging my *self-appointed* judges, at the sacrifice of all legislative harmony, to do what they have not *courage* or *honor* to do themselves.

If our seats of honor, under the semblance of *official privilege*, are to be occupied at the *same time*, by the *dictator, law-maker, prosecutor, persecutor, witness, attorney and judge*, merely to distill slanders and venom in the public ear, without the power of following up the daring stroke by any legal decree, then, the right of self defence to the injured person, or officer, is as evident as the outrage which makes it necessary, is unmerited and unprovoked. Honor must have lost its influence, in the bosom of man; magnanimity ceased to swell the soul of the Senator; prejudice must guide his passions, and *design* overpower justice, or my request will be granted. I ask this document, not as a favour, but in the name of *equal rights and eternal justice*.

I have the honor to be, &c.

JAMES B. RAY.

EXECUTIVE DEPARTMENT,
Ind’s. Ind’a. Feb. 9th, 1831. }

HON. MILTON STAPP,

President of the Senate:

Sir—I am told, that the committee, to whom my late communication, relative to the Louisiana code, was referred, after *privately* collecting by *INQUISITION*, certain certificates of my implacable political enemies in this town; and after *DENYING* to me the right of being *heard*, in regard to any matter that they might be investigating, effecting my *veracity* or standing, or involving *facts*, touching the said communication, *even* after such demand for defence was made, both *verbally* and *in writing*, of the committee—have made a report to the Sen-

ate, on the same, accompanied with certain certificates as aforesaid, intended as an ATTACK upon me, as a *man* and an *officer*; I therefore request the Senate to furnish me with copies of the said report and the annexed documents, at as early an hour as possible for my investigation, that the General Assembly, now almost ready to adjourn, may not be delayed in consequence of this report being *withheld* until now, giving me at most but a short time to answer it; and that time called for by the pressing duties of my office.

Respectfully, yr. ob't. serv't.

JAMES B. RAY.

On motion of Mr. Ewing,

Resolved, That the Secretary forthwith furnish a copy of the report made this morning by Mr. Pennington, on the subject of the Governor's communication relative to the Louisiana code.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act for the re-location of the county seat of Boone county;"

"An act to provide for the location of certain state roads therein named," and

"An act establishing certain state roads thererin named and for other purposes."

They have passed the following engrossed bills from the Senate, entitled as follows, to wit:

"An act for the regulation of the state prison;"

"An act dividing the state into judicial circuits, and fixing the times of holding courts therein and for other purposes;"

"An act to authorize the re-printing of sundry acts and for other purposes," all with amendments;

In which the concurrence of the Senate is requested.

The Senate concurred in the amendments proposed by the House of Representatives, to the engrossed bill of the Senate entitled,

"An act for the regulation of the state prison."

Ordered, That the House of Representatives be informed thereof.

The Senate considered and agreed to the 1st amendment proposed by the House, to the engrossed bill of the Senate entitled,

“An act dividing the State into judicial circuits and fixing the times of holding courts therein and for other purposes.”

But disagreed to the 2d amendment proposed to said bill.

Ordered, That the House of Representatives be informed thereof.

The Senate considered the amendments proposed by the House, to the engrossed bill of the Senate, entitled,

“An act to authorize the re-printing of sundry acts, and for other purposes.”

And on the question, will the Senate concur in the first amendment proposed to said bill?

Which is as follows, “except the 4th section of the act regulating medical societies which is hereby repealed.”

And the ayes and noes being required thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Pennington, Robb and Whitcomb—13.

Those who voted in the negative, are

Messrs. Blair, Ewing, Frisbie, Morgan, Orr, Sering, Watts and Worth—8.

So said amendment was concurred in.

The second amendment proposed to said bill was considered and agreed to.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The House of Representatives have passed without amendment, a joint resolution from the Senate, on the subject of certain public offices.

They have receded from the amendment proposed by them to the engrossed bill from the Senate, entitled,

"An act supplemental to an act providing for a sale of the donation lands around Indianapolis."

On motion of Mr. Linton,

The bill to provide for a state road from Spencer in Owen county via Bowlinggreen in Clay county, to Terre-Haute in Vigo county,"

Was taken up.

Said bill was then amended by Mr. Whitcomb, by inserting the name of Bartlet Asher as a commissioner on said road—read third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

On motion of Mr. Claypool the bill to provide for building a bridge across White Water river at Connersville, was taken up.

Said bill was then read the 3d time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

On motion of Mr. Whitcomb, the "bill to establish a college in the State of Indiana," was taken up.

Mr. Whitcomb moved to amend said bill by adding the following as an additional section:

Sec. That the tuition fees in "Indiana College," shall from time to time, be regulated by the trustees thereof, provided that they do not exceed ten dollars for each regular student for the college year, and the trustees shall, as soon as practicable, allow such a number of poor and indigent students who are unable to educate themselves, to receive tuition in said college, gratuitously, as the accommodations of the college establishment will from time to time allow."

Mr. Depauw moved to indefinitely postpone said bill.

And the ayes and noes being demanded thereon by two Senators, the same are as follows, viz:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing, Fletcher, Frisbie, Linton, Lomax, Morgan, Pennington, Ser-ing and Watts—13.

Those who voted in the negative, are

Messrs. Givens, Gregory, Lemon, Orr, Robb and Whitcomb—6.

So said bill was indefinitely postponed.

The Senate according to order resolved themselves into a committee of the whole on the bill from the House of Representatives, entitled, "an act making specific appropriations for the year 1831," and after some time spent therein, the President resumed the chair, and Mr. Linton reported the same with sundry amendments, which were concurred in generally.

Ordered, That said amendments be engrossed and with the bill pass to a third reading.

Mr. Gregory, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a bill for the relief of Daniel Pattingale and Earl Pearce, have had the same under consideration and agree to report the bill back to the Senate without amendment, and recommend the same to be postponed indefinitely.

Which was read, and the bill indefinitely postponed.

The engrossed bill from the House of Representatives, entitled, "an act to establish a state road from Jehu Perkins', in Rush county, to Napoleon, in Ripley county," was taken up.

Said bill was then read the third time and passed with amendments.

The engrossed bill from the House of Representatives, entitled, "an act to locate a state road from Miamisport, in Cass county, to intersect the Michigan road, in a direction to the southern bend of the St. Joseph river, where said road crosses the Tippecanoe river," was taken up and passed without amendment.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments to the first named bill requested.

The bill to appropriate a portion of the three per cent fund to construct a bridge over big Blue river at Levenworth's mills," was read the third time and,

On motion of Mr. Linton indefinitely postponed.

The engrossed bills from the House of Representatives, entitled as follows:

"An act compensating George Pea for extra causewaying on the state road, from Brookville to Indianapolis;"

"An act to provide for changing a part of the state road from Terre Haute through the new discovery, to Crawfordsville," were severally taken up, read a third time and passed,

the first with, and the latter without amendment.

Ordered, That the House of Representatives be informed thereof and their concurrence in the amendments requested.

The engrossed bills from the House of Representatives, entitled as follows:

"An act to establish a state road from Fort Wayne, in the county of Allen, thence to the county seat of Elkhart county, and thence to the county seat of St. Joseph county," and,

"A bill of the Senate to provide for the location of a state road from Walker's farm, in Parke county, to Newport, in Vermillion county," were severally read the second time and indefinitely postponed.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed joint resolution of the General Assembly, for printing certain acts therein named, which originated in the Senate, without amendment.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill from the Senate, providing means to erect a bridge over the west fork of White Water river at Connersville, without amendment.

Also an engrossed bill of the House, to change the commissioner on a certain state road in Marion county and for other purposes, in which the concurrence of the Senate is requested.

The House insist on their second amendment to the engrossed bill of the Senate, dividing the State into Judicial circuits and fixing the times of holding circuit courts therein, (to which the Senate disagreed,) and have appointed Messrs. Long and Semans a committee of free conference, to take into consideration, with a similar committee of the Senate, the subject matter of the disagreeing vote of the two Houses, in relation to said second amendment, and request the appointment of a similar committee, on the part of the Senate.

Ordered, That Messrs. Fletcher and Worth be the committee of free conference, on the part of the Senate, to take into

consideration the disagreement of the two Houses on said bill.

Ordered, That the House of Representatives be informed thereof.

The engrossed bill from the House of Representatives, entitled, "an act to change the commissioner on a state road in the county of Marion and for other purposes," was by common consent read three times and passed.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. White their Assistant Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, entitled acts:

"An act to establish and regulate ferries;"

"An act to authorize William Polke to convey certain land to Jane Shuler;"

"An act respecting free negroes, mulattoes, servants and slaves,"

And directed them to be taken to the Senate for the signature of the President.

Said enrolled bills having been signed by the President, were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill of the House, entitled,

"An act to establish a state road from the Tobacco landing, Ohio river, by the way of Laconia to Corydon in Harrison county," in which the concurrence of the Senate is requested.

Said bill of the House was by common consent read three times and passed.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT:

The House of Representatives have agreed to the amendments made by the Senate to the bill of the House, appropriating a certain amount of the 3 per cent. fund, with amendments in which the concurrence of the Senate is requested.

The Senate considered and agreed to the 1st and 3d amendments proposed by the House, to the amendments proposed by the Senate, to the engrossed bill of the House, entitled,

“An act appropriating a part of the 3 per cent. fund.”

They concurred in the 1st branch of the 3d amendment with an amendment.

They concurred in all of the 3d amendment proposed by the House, except the 4th branch thereof which reads as follows, to wit:

“That it shall be lawful for the board doing county business in Gibson county, to apply any part of the three per cent. fund, set apart for said county, on the county road leading from Princeton to the mouth of Patoca.”

And on the question, will the Senate strike out this amendment?

The ayes and noes were required by two Senators,

Those who voted in the affirmative, are,

Messrs. Blair, Clendenin, Depauw, Frisbie, Givens, Graham, Lemon, Linton, Lomax, Morgan, Orr, Pennington, Robb, Sering, Watts and Whitcomb—16.

Mr. Ewing voted in the negative.

So said branch of said 3d amendment was stricken out.

Ordered, That the House of Representatives be informed thereof.

The bill of the House of Representatives making specific appropriations for the year 1831,

Was read the 3d time, when

Mr. Ewing moved to re-commit it to a select committee with instructions to strike therefrom an allowance to David Hoover clerk of Wayne, for costs, in a case where the state was plaintiff against a late collector of said county.

And on the question, shall the bill be so re-committed? it was determined in the negative.

Ordered, That the House of Representatives be informed thereof, and their concurrence in the amendments requested.

The President laid before the Senate a communication from

the Governor, on the subject of a report of a committee appointed to canvass a former message from the Executive on the subject of nominations to the Supreme bench, which was read.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, to wit:

An act to establish and regulate ferries;

An act respecting free negroes and mulattoes, servants and slaves;

An act to authorize William Polke to convey certain land to Jane Shuler.

Mr. Fletcher from the committee of free conference made the following report, to wit:

The committee of free conference to whom was referred the subject matter of difference between the two Houses on the act entitled an act dividing the state into judicial circuits and fixing the times of holding circuit courts therein and for other purposes, have agreed to strike out all of the amendment of the House, except the word "Grant," and insert the following:

"The circuit court of the county of Grant shall hold its session on the third Mondays of August at the House of David Branson in said county until otherwise provided by law, and shall sit three days if the business require it.

Which was read and concurred in.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives by Mr. White their assistant Clerk.

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed that the House of Representatives are through with their legislative business and on their part are ready to adjourn; and that the Senate be requested to inform this House at what time they will be ready to adjourn sine die.

And the Senate adjourned.

THURSDAY, FEBRUARY 10, 1831.

The Senate assembled.

Mr. Morgan introduced the following resolution:

Resolved, That the Secretary of the Senate, furnish the Secretary of State, with the titles of all acts reported truly enrolled and not yet reported as approved, for the purpose of facilitating the printing of the titles, agreeably to a resolution of the House of Representatives.

And on the question, shall this resolution be adopted? it was decided in the negative.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have passed without amendment, an engrossed joint resolution from the Senate, for the relief of certain persons therein named.

They have concurred in the amendments made by the Senate to the bill of the House making specific appropriations for the year 1831.

They have concurred in the amendments proposed by the Senate to the amendments made by the House, to the 1st amendment proposed by the Senate to the engrossed bill of the House, entitled, "an act making an appropriation of a part of the three per cent fund."

They have concurred in the report of the committee of free conference, appointed to adjust the difference between the two Houses in relation to the engrossed bill of the Senate, entitled "an act dividing the State into judicial circuits and fixing the times of holding courts therein and for other purposes."

Mr. Depauw from the joint committee on enrolled bills, reported that they had compared the enrolled with the engrossed bill, entitled, an act regulating the jurisdiction and duties of Justices of the Peace, and had found the same truly enrolled.

Mr. Blair introduced a bill supplemental to an act, entitled "an act to provide for the re-location of the seat of justice of Fountain county," which was read three times by common consent and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence requested.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT,

The Speaker of the House of Representatives has signed an enrolled bill, entitled, "an act regulating the jurisdiction and duties of Justices of the Peace," and I am directed to report the same to the Senate for the signature of their President.

The President having signed said bill, it was handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and joint resolutions, entitled as follows:

I am directed to bring them to the Senate for the signature of their President, to wit:

"An act to organize and regulate the militia of the State of Indiana;"

"An act to establish a state road from Centreville to Winchester and from Centreville to Washington;"

"An act to incorporate the Princeton Library company;"

"An act to provide means to erect a bridge over the west fork of White Water river at Connersville;"

"An act to incorporate the first school society in Fayette county;"

"An act declaring certain streams therein named public highways;"

"A joint resolution of the General Assembly, on the subject of certain public offices;"

"A joint resolution of the General Assembly for printing certain acts therein named."

Said bills and joint resolutions were signed by the President and handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Worth from the joint committee on enrolled bills, reported that they had compared the enrolled with the engrossed bills of the following titles, viz:

"An act for assessing and collecting the revenue;"

"An act providing for the incorporation of towns;"

"An act to establish a state road from the Tobacco landing on the Ohio river, by the way of Laconia to Corydon, in Harrison county;"

"An act to establish certain state roads therein named and for other purposes;"

"An act to provide for the location of certain state roads therein named;"

"An act to change the commissioner on a certain state road in the county of Marion and for other purposes;"

"An act relative to county boundaries;"

"An act to authorize the vacation of towns;"

"An act providing for the distribution of the laws and journals and for other purposes."

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, entitled,

"An act for assessing and collecting the revenue;"

"An act for the incorporation of towns;"

"An act to establish a state road from the Tobacco landing on the Ohio river, by way of Laconia to Corydon, in Harrison county;"

"An act to provide for the location of certain state roads therein named;"

"An act to change the commissioner on a certain state road in the county of Marion and for other purposes;"

"An act relative to county business;"

"An act to authorize the vacation of towns;"

"An act to provide for the distribution of the laws and journals and for other purposes," and direct them to be taken to the Senate for the signature of the President.

The President having signed the foregoing bills, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Fletcher from the committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, entitled acts, to-wit:

An act to incorporate the first school society in Fayette county;

An act providing means to erect a bridge over the west fork of White Water river at Connersville;

An act to incorporate the Princeton library company;

An act to establish a state road from Centreville to Winchester and from Centreville to Washington;

An act to declare certain streams therein named public highways and for other purposes;

An act to organize and regulate the militia of the state of Indiana;

A joint resolution of the General Assembly on the subject of certain public offices;

A joint resolution of the General Assembly for printing certain acts therein named;

An act to authorize the vacation of towns;

An act providing for the incorporation of towns;

An act to establish a state road from the Tobacco landing on the Ohio river, by the way of Laconia, to Corydon in Harrison county;

An act establishing certain state roads therein named and for other purposes;

An act to provide for the distribution of the laws and journals and for other purposes;

An act to change the commissioner on a certain state road in the county of Marion;

An act to establish state roads therein named;

An act regulating the jurisdiction and duties of justices of the peace;

An act relative to county boundaries;

An act for assessing and collecting the revenue.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have agreed to the amendments proposed by the Senate to the engrossed bills of the House, entitled,

"An act compensating George Pea for extra cause-waying on the state road from Brookville to Indianapolis," and

"An act to establish a state road from Jehu Perkins' in Rush county, to Napoleon in Ripley county."

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act respecting free negroes and mulattoes, servants and slaves;

An act to organize and regulate the militia of the State of Indiana;

An act to establish a state road from Centreville to Winchester and from Centreville to Washington;

An act to incorporate the Princeton library company;

An act providing means to erect a bridge over the west fork of White Water river at Connersville;

An act to incorporate the first school society in Fayette county;

An act declaring certain streams therein named, public highways, and:

A joint resolution of the General Assembly on the subject of certain public offices, and

A joint resolution of the General Assembly for printing certain acts therein named.

And had found the same truly enrolled.

Mr. Morgan on behalf of himself and others offered the following protest to the passage of an act relative to free negroes, slaves and mulattoes.

The protest of the undersigned, to the passage of the act, entitled, "an act respecting free negroes and mulattoes, servants and slaves:"

The undersigned regret, that a sense of duty to their constituents, to their country and a sacred regard to the constitutions of the United States and the State of Indiana, which they have solemnly sworn to support, compel them, in this manner, to declare their dissent from the opinion of a majority of this branch of our Legislature, as expressed by the passage of the above entitled act. Admitting their liability to a strong bias against distinctions in the great family of mankind on account of color, the undersigned believe that justice to themselves requires that a brief exposition for their dissent and protest should be given.

The act requires all black and mulatto persons, who come into this State, after the first day of September next, to give security for their maintainance and good behaviour, and on failing to give such security, they are made liable to be hired out or removed from the State by the overseers of the poor. And the more effectually to enforce this requisition, any per-

son who shall hire or harbor such negro or mulatto, is made liable to a fine of not less than \$5 nor more than \$100, to be recovered by indictment. These provisions are made applicable to no other people or nation than negroes and mulattoes.

The ablest advocates of these strong measures were compelled to admit, that in several of our sister states, in one of which slavery is tolerated, all *free men*, without regard to color are *citizens*, enjoy equal rights, privileges and immunities. After this admission, the undersigned were surprised and astonished to find the majority in violation, as the undersigned believe, of the first clause of the second section of the 4th article of the constitution of the United States, to refuse such a modification of the bill, as that its provisions should not apply to negroes and mulattoes who were citizens of any of our sister states and who might emigrate to the State of Indiana.

The undersigned cannot but express their melancholy regret, that for the purpose of getting rid of what the majority call "a useless and troublesome population," it should become *expedient*, in the very infancy of our state government to contradict, by Legislative enactment, that portion of our constitution, which solemnly declares, "that all men are born equally free, independent and have certain natural, inherent and unalienable rights, among which are the enjoying and defending life and liberty, and of acquiring and possessing property and pursuing and obtaining happiness and safety."

The undersigned cannot believe with the majority, that the expressions, "all men," as used in the foregoing quotation from our constitution, is limited or restrained by the subsequent expression, "white male citizen," so as to exclude all colored persons from any participation in the declaration of rights; nor do they believe that the majority are aware of the consequences of their own argument. If the first section of the 5th article of the constitution of this State, is to be considered as limiting or restraining the general expressions, "all men" and "all persons," in the first article, so as to be understood *white men* or *white persons*, the most absurd consequences will follow. The expression in the 6th article is, "every white male citizen of the United States, of the age of twenty one years." By this novel rule of interpretation or construction, none but "white male citizens of the United States, of the age of twenty one years," are declared to be "born free and equal," with rights of life, liberty, the acquisition of property, the pursuit of happiness or the right to worship God, as conscience shall dictate: consequently, all females, minors and foreigners

are without the pale of our declaration of rights. Against such modes of construing our constitution, the undersigned hope always to be found protesting. But no *expedient* rule of construction, no sanctifying clause could be found to "nullify" the 2d section of the 4th article of the constitution of the United States, which declares that "the citizens of each State shall be entitled to all the rights, privileges and immunities of the citizens of the several states," as no attempt was made to answer the objection interposed by this clause of the constitution. It is believed that the supposed *expediency* of the measure so occupied the attention of the majority, that in the pursuit of their object, they lost sight of one of the principal links that binds together our happy confederacy.

Questions of expediency may well be weighed together, when there is no constitutional objections, but no degree of expediency, however great, ought for a moment to be considered, while there remains the most remote danger of complicating with or infringing upon constitutional provisions. That this law is in direct violation of the constitution of the United States, as well as of this State, the undersigned have no hesitation in believing.

It has been repeatedly said that we *must* pass some law to prevent people of color from coming into this State. The undersigned admit the moral degradation of the greater portion of that unfortunate race; but they feel assured, that this abasement is wholly owing to their degraded situation and not to any natural defects either physical or mental, and that, under more favorable circumstances, the reasons urged for the passage of the act, would cease to exist. Nor can it be said that Indiana, although called "a free state," is entirely clear of the sin of slavery. For she in conjunction with the other states of the Union, exercises by their delegation in Congress, exclusive legislative control over the District of Columbia, where slavery is tolerated by law. This state has participated in legislating for the District and maintaining the existence of slavery there for the last fourteen years, and has not as yet uttered a word of complaint. And now because people of color are degraded and abandoned on account of their slavery, Indiana passes a law by which if any slave in the District of Columbia, shall, by his industry and good conduct, purchase his freedom and come into her borders, he must be expelled the State or give security for his good behaviour.

But the undersigned have further to regret, that the foregoing are not the most objectionable provisions contained in

the act. The 5th section admits a *limited or partial slavery* within the State of Indiana, by declaring and securing the right of all persons to travel through this State with their slaves. The undersigned also deem this provision, in direct contravention of the 7th section and 11th article of the constitution of Indiana, which declares that "there shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted." This declaration is copied from the ordinance of Congress for the government of the North Western territory, and it is impossible to conceive a mode of expression more definite, certain and absolute. It applies as well to a minute as to a thousand years, and if slavery constitutionally be authorized, within the State for a moment, it can for an indefinite period of time. If it is now *expedient* to authorize citizens of other States to travel through this State upon business or for pleasure, attended with their slaves in direct contravention of the strong declarations of our constitution, the same argument of *expediency*, may, with equal force, be urged next session, to authorize a temporary residence.

It is the general practice of all governments, to extend greater privileges to their own citizens than are extended to foreigners, but by this act, foreigners are permitted to exercise rights among us that by our constitution, are denied to our own citizens. Under its provisions strangers are permitted to travel among us, attended by their negro or mulatto servants, while at the same time, our own citizens are made liable to prosecutions and the payment of heavy fines for hiring one of the same class of people.

The undersigned cannot give a milder appellation than involuntary servitude or slavery, to that part of said act which compels one of the human family, to be taken into the custody of the law, and hired out by the public authorities, for no other reason than because his skin is black, or compelled to give security in anticipation of future pauperism or crime, without being first duly convicted thereof.

Therefore, the undersigned, in the behalf of their constituents, solemnly protest against the passage of said act—first, because it is unconstitutional, and secondly, because its provisions are impolitic and unjust.

CALVIN FLETCHER,
AM'Z. MORGAN,
ABEL LOMAX,
DANIEL WORTH,

JAMES BLAIR,
SAMUEL FRISBIE,
JOHN SERING.

Which was read and ordered to be spread on the Journals.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill from the Senate, entitled,

"An act supplemental to an act entitled an act to provide for the relocation of the seat of justice of Fountain county," without amendment.

Mr. Depauw from the joint committee on enrolled bills reported that they had compared the enrolled with the engrossed bill entitled,

"An act relative to crime and punishment;"

And had found the same truly enrolled.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act for the re-location of the county seat of Elkhart county, and

An act making specific appropriations for the year 1831.

And had found the same truly enrolled.

Mr. Robb offered for adoption the following resolution:

Resolved, That the communication of the Governor on the subject of a report of a committee appointed by the Senate, to canvass a former message from the Executive, on the subject of nominations to the Supreme bench, is not an official document required by Executive duties, or useful to the legislature and should not go to the journals as its wonderful length would involve unnecessary expense, without subserving any possible good purpose.

Mr. Whitcomb moved to amend said resolution so as to read as follows:

"Resolved, That the communication of the Governor on the subject of a report of a committee appointed by the Senate to canvass a former message from the Executive on the subject of the nominations to the Supreme bench, contains no *information* relative to the affairs of State, and recommends to their consideration no *measures* for their adoption, and therefore is not an official document required by Executive duties or useful to the legislature, and should not go to the journals, as its wonderful length would involve unnecessary expense, without subserving any possible good purpose.

Which motion carried in the affirmative.

Mr. Ewing moved further to amend said resolution:

"By adding the 12th section of the 4th article of the constitution which confers power on the Governor, and says in relation thereto, "he shall, from time to time give to the General Assembly, information of the affairs of the state, and recommend to their consideration such means as he shall deem expedient," to the contrary notwithstanding.

And on the question, shall the resolution be so amended?

And the ayes and noes being required by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Ewing, Lemon and Morgan—3.

Those who voted in the negative, are

Messrs. Blair, Clendenin, Fletcher, Givens, Graham, Gregory, Linton, Lomax, Orr, Pennington, Robb, Sering and Whitcomb—13.

So said amendment was not adopted.

And on the question shall the resolution be adopted as amended by Mr. Whitcomb?

The ayes and noes being demanded by two Senators, the same are as follows, to wit:

Those who voted in the affirmative, are

Messrs. Blair, Claypool, Clendenin, Fletcher, Frisbie, Givens, Graham, Gregory, Linton, Lomax, Orr, Pennington, Robb, Sering and Whitcomb—15.

Those who voted in the negative, are

Messrs. Ewing, Lemon and Morgan—3.

So said resolution was adopted.

Mr. Depauw from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the enrolled with the engrossed bills, entitled acts, to wit:

"An act to locate a state road from Miamisport, in Cass county, to intersect the Michigan road, in a direction to the

southern bend of the big St. Joseph river, where said road crosses the Tippecanoe river,"

"An act to provide for changing a part of the state road from Terre Haute through the new discovery, to Crawfordsville,"

"An act compensating George Pea for extra causewaying on the state road, from Brookville to Indianapolis;"

And find the same truly enrolled.

Mr. Gregory entered the following replication to the protest of Mr. Morgan, against the passage of the bill relative to free negroes and servants, mulattoes and slaves, which was read and ordered to be spread on the journals, to wit:

That part of the protest which says the most strenuous advocates of the bill admitted, that in some of the states in the Union all freemen were citizens so far as I am concerned, not viewing myself even one of its ablest advocates, and hence the charge of admission cannot affect me, but having voted for the bill I do now once for all say that I do not know of any state whose constitution or laws admits persons of color as citizens: it is true that some of the states admit those persons where they have a certain amount of property to vote: this is a great privilege for all men, but itself is far from constituting a citizen.

JAMES GREGORY.

Mr. Sering from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the enrolled with the engrossed bill, of the following title, viz:

An act to appropriate part of the three per cent. fund and for other purposes.

And find the same truly enrolled.

Mr. Ewing on behalf of himself and Mr. Lemon entered the following protest against the adoption of the resolution excluding from the journals the communication of the Governor in relation to his nomination of supreme judges, which was read and ordered to be spread on the journals of the Senate:

The undersigned believe the resolution this moment adopted to exclude from our journal a communication from the Governor, which seems to us proper for insertion to enable those whom we represent to form deliberate and correct opinions of certain matters agitated heretofore and entered of record in our proceedings: and we enter our PROTEST against the same. We view the rejection of said communication a stretch

of senatorial power unauthorized by the constitution, calculated to inflict a wrong upon the chief magistrate, and the reasons as set forth in said resolution, as inapplicable. The legitimate power of the Governor we conceive to be virtually disregarded by the proceeding: and so far as said resolution operates, the supreme law becomes of no validity. The undersigned have neither time nor inclination to review the matters involved:—it is enough that we conceive the improper resolution in question gives to them a colour and character not inappropriate.

JOHN M. LEMON,
JOHN EWING.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and a joint resolution, entitled

“An act for the regulation of the state prison;”

“An act supplemental to an act providing for a sale of the donation lands around Indianapolis,” and

“A joint resolution of the General Assembly for the relief of certain persons therein named,”

I am directed to bring them to the Senate for the signature of their President.

The President having signed said enrolled bills and joint resolution, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Depauw, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the enrolled with the engrossed bill entitled, an act for the regulation of the state prison, and find the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, entitled,

"An act compensating George Pea for extra cause-waying on the state road from Brookville to Indianapolis;"

"An act to locate a state road from Miamisport, in Cass county, to intersect the Michigan road, in a direction to the southern bend of the big St. Joseph river, where said road crosses the Tippecanoe river;"

"An act to provide for changing a part of the state road from Terre-Haute through the New Discovery to Crawfordsville;"

"An act to appropriate part of the three per cent fund and for other purposes;"

I am directed to bring them to the Senate for the signature of the President.

Said enrolled bills having been signed by the President, were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

Mr. PRESIDENT,

The Speaker of the House of Representatives having signed enrolled bills, entitled,

"An act relative to crime and punishment;"

"An act making specific appropriations for the year 1831;"

"An act for the re-location of the county seat of Elkhart county;"

I am directed to bring them to the Senate for the signature of their President.

Said bills having been signed, were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Worth, from the joint committee on enrolled bills, reported, that they had compared the enrolled with the engrossed bills entitled acts as follows, to-wit:

An act supplemental to an act entitled an act for the re-location of the seat of justice of Fountain county, passed at the present session of the General Assembly;

An act for opening and repairing public roads and highways, and

An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county,

And had found the same truly enrolled.

Mr. Fletcher from the joint committee on enrolled bills now

reported that they did on this day present to the Governor for his approval and signature the following enrolled bills, to wit:

An act supplemental to an act providing for a sale of donation lands around Indianapolis;

A joint resolution of the General Assembly for the relief of certain persons therein named;

An act compensating George Pea for extra cause-waying on the state road from Brookville to Indianapolis;

An act for the re-location of the county seat of Elkhart county;

An act making specific appropriations for the year 1831;

An act to locate a state road from Miamisport in Cass county to intersect the Michigan road in a direction to the southern bend of the big St. Joseph river where said road crosses the Tippecanoe river;

An act for the regulation of the state prison;

An act for changing a part of the state road from Terre-Haute through the New Discovery to Crawfordsville;

An act to appropriate a part of the three per cent fund and for other purposes;

An act relative to crime and punishment.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, entitled

An act supplemental to an act entitled an act for the re-location of the seat of justice of Fountain county, passed at the present session of the General Assembly;

An act for opening and repairing public roads and highways, and

An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county,

I am directed to bring them to the Senate for the signature of their President.

The President having signed the foregoing bills, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Fletcher from the joint committee on enrolled bills reported that they did on this day present to the Governor for his approval and signature the following enrolled bills; to-wit:

"An act to establish a state road from Jehu Perkins' in Rush county, to Napoleon in Ripley county."

An act for opening and repairing public roads and highways;"

"An act supplemental to an act entitled an act to provide for the relocation of the seat of justice of Fountain county," passed at the present session of the General Assembly.

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by His Excellency the Governor to inform the Senate that he did on this day approve and file in the Secretary's office the following acts and joint resolutions:

An act to incorporate the first school society in Fayette county;

An act providing means to erect a bridge over the west fork of White Water river at Connersville;

An act declaring certain streams therein named, public highways, and for other purposes;

An act supplemental to an act providing for a sale of the donation lands around Indianapolis;

An act for the appointment of trustees to receive deeds for lots or lands, given or purchased, for the use of schools, meeting houses or masonic lodges;

An act for the relief of the poor;

"An act to provide for the distribution of the laws and journals and for other purposes;"

A joint resolution of the General Assembly for the relief of certain persons therein named;

A joint resolution of the General Assembly on the subject of certain public offices;

A joint resolution of the General Assembly for printing certain acts therein named.

Mr. Worth from the joint committee on enrolled bills reported, that they had compared the enrolled with the engrossed bills entitled,

An act authorizing the re-printing of sundry acts and for other purposes.

And found the same truly enrolled.

Mr. Depauw from the committee of enrolled bills made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bill, entitled,

An act incorporating congressional townships, and providing for public schools therein;

And found the same truly enrolled.

A message from the Governor by Mr. Forsee his private Secretary:

MR. PRESIDENT:

I am requested by His Excellency the Governor to inform the Senate that he did on this day approve and file in the Secretary's office,

An act supplemental to an act entitled an act to provide for the re-location of the seat of justice of Fountain county, passed at the present session of the General Assembly.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House having signed an enrolled bill, entitled,

"An act authorizing the re-printing sundry acts therein named,"

I am directed to bring it to the Senate for the signature of their President.

Said bill was signed by the President and handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an enrolled bill entitled,

An act incorporating congressional townships and providing for public schools therein."

I am directed to bring it to the Senate for the signature of their President.

The President having signed said bill it was handed to the

committee on enrolled bills, to be presented to the Governor for his approval and signature.

A message from the Governor, by Mr. Forsee, his private Secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor to inform the Senate, that he did on this day approve and file in the Secretary's office the following acts:

An act incorporating congressional townships, and providing for public schools therein;

An act authorising the re-printing of sundry acts and for other purposes.

Mr. Watts rose in his place and presented the following protest for entry on the journals of the Senate, viz:

The undersigned after a long course of public service feels conscious, that the infirmities of age imperiously require his retirement from the theatre of public life. He bids farewell to his friends and associates in the Senate, with the feelings of a father and brother. He thanks them publicly for the undeviating manifestation of regard towards him, which they have exercised collectively and individually. He regrets on taking his leave of public life, that his obligations to his country and himself require any thing other than the expression of satisfaction and approbation. He regrets particularly that of the head of the government he should be obliged to record a single disrespectful sentiment. He has been one of the earliest and warmest friends of the present Executive, and has made numerous and repeated efforts to cause his administration of the government so far as it was correct, to be favorably regarded by the public. He is connected with the Executive by the ties of affinity, and was one of the last of his early friends and supporters who felt compelled by stubborn facts to renounce the favorable impressions he once cherished. But prepossession and partiality and even domestic considerations have their prescribed limits, and when all these come in conflict with the solemn obligations, enjoined by official and constitutional duty he cannot hesitate in the course he is bound to take.

Under these impressions with respectful deference to the feelings of his brethren, he avails himself of his constitutional right, solemnly to protest against the vote of the Senate on the 28th of January, *confirming* the nomination of John T. McKin-

hey and Stephen C. Stevens, as Judges of the Supreme court of the State of Indiana, for the following reasons:

First. Because the said nominees were members of the Senate, and the constitutional advisers of the Governor for filling the very offices to which they were nominated and re-nominated. By the 20th section of the 3d article of the constitution of Indiana it is provided that "no member of either branch of the General Assembly during the time for which he is elected, shall be eligible to any office, the appointment to which is vested in the General Assembly." The object of this wholesome provision, it is believed, was to guard against the undue influence of members of the appointing power over each other, and against all corrupt bargains or interested coalitions. For these reasons if the said appointments did not infringe the *letter*, they most certainly violated the *spirit* of the constitution.

Secondly. It was at the time of such nomination and re-nomination a matter of notoriety that the Governor had declared that he would nominate no man or men to that office, who would not previously give him a pledge and assurance of future support and assistance in his efforts to be elected to the Senate of the United States, and the undersigned declares on his oath as a Senator, that the Governor so far forgot both duty and decorum as to make known to at least one member of this body what he called his determination on this subject.

Thirdly. A belief that the first nominee did not possess the superior qualifications required for so important a station, and a want of confidence in the integrity & moral character of the 2d. The undersigned believes that a character, once forfeited, however repaired by reformation, or varnished by the appearance of popular confidence in one or more counties, should never be placed in the first ranks of society, still less entrusted with a participation in the Supreme judicial power of the state.

Fourthly. The former inveterate hostility existing between one of them and the Governor, are strong additional reasons with the undersigned, for disapproving said nominations.—These sudden reconciliations for the obvious purpose of personal advancement bode no good to the public, nor for the future harmony of the court.

Fifthly. The general belief and almost universal persuasion that the old judges possessed the confidence of the people, and the disregard to public opinion manifested by the contemptuous dismissal of men of respectable talents, irreproachable

morals and faithful services, to make way for men who, (morally and intellectually speaking,) cannot but be regarded as their inferiors are additional reasons with the undersigned for disapproving said vote. This treatment of men, whose stern integrity would not permit them even to make professions of future political support, a passport to office, deserves it is believed marked reprehension.

Sixthly. A general suspicion, which is daily gaining ground, that the Governor has a personal and pecuniary interest in laying a majority of the Supreme court under obligations to him, for their nomination and appointment. This circumstance, coupled with the known fact that the Governor contemplated a resignation of his office, for the purpose of procuring from the gentleman, who would in that event have been his successor, a nomination to the Supreme bench, and his failure in that attempt as well as his failure to pre-occupy the vote of the Senate, in reference to that contingency and his reiterated nomination of these gentlemen, all bespeak sinister views and personal objects, and furnish of themselves, in the opinion of the undersigned, a decisive objection to said appointments.

Seventhly. The prostration of the dignity of the Senate in allowing themselves by the menaces of the Governor on the one hand and the abject solicitation of nominees on the other, to recede from their first stand on principle, and become the passive instruments, of a Governor who had so recently been grossly wanting in common justice as well as courtesy towards them: and

Lastly. It has always been the opinion of the undersigned that the conferring of judicial power, especially on men who exercise it in the last resort, should be the result of cool, deliberate reason, guided by an exclusive reference to the public interest in weighing the character, talents and acquirements of the contemplated functionaries, and that the judicial office should never be the subject of *bargain, barter, coalition or arrangement* of any kind, personal or political, independent of the above exalted considerations; and the violation of this cardinal and sacred principle, both by the Governor and the joint nominees, induces the undersigned to renew and record on the journals of the Senate of Indiana, his solemn protest!

JOHN WATTS.

February 10, 1831.

The President laid before the Senate the following communications from the Governor:

EXECUTIVE DEPARTMENT, }
Indiana, Indianapolis, February 10, 1831. }

HON. MILTON STAPP,
President of the Senate,

SIR—I wish to notify the Senate, that I shall not hold myself responsible for the reports of the committee of enrolled bills that they have laid before me the bills of the present session for signature. The Senate will, therefore, discover the necessity of seeing that all the bills they have passed, are filed in the Secretary's office.

I have the honor to be, Sir,

Very respectfully,

Your most ob't. serv't.

J. BROWN RAY.

EXECUTIVE DEPARTMENT, }
Ind's. Ind'a. Feb. 10th, 1831. }

HON. MILTON STAPP,
President of the Senate:

SIR:—Last night at 12 o'clock, in answer to my call, I received the report of the code committee, with its accompanying documents, of yesterday, for the *first* time, for an answer; and to day the legislature adjourns. I have reason to believe, that this report has been kept back until now, in order to place me in the dilemma it finds me, of not being able to answer it satisfactorily for the want of time. My table being crowded with bills, for examination and signature, I can only appropriate to myself a few minutes, to give it a passing notice. On looking over it and its accompaniments, the mind spontaneously enquires, is it possible, that this document has received the sanction of a *majority* of the Senate of Indiana? or sprang from one of its committees. Are there tribunals, in this young and vigorous republic, which so early in its history, have sunk from the lofty bearing of law-givers, down into the little contemptible office of retailing tergiversations, unjustifiable insinuations, misrepresentations, and the stale lumber of malice and revenge? The names of such men as Merrill, Morris, Henderson, Gregg and others, introduced into the report, as *certificate makers*, with whom I hold no communication, who have been chained together in this place and known as the leaders of the Indianapolis *faction*, for years, and fanning the flame of an untiring persecution against me, from the

most degrading official scrutiny, into the sacred and inviolate relations of the domestic circle, must invite the honest enquirer after truth, to investigate the whole subject in controversy, with untiring diligence. The fact too, which will hereafter be made manifest, that these men have given their certificates, merely to make a display of their *names*, without attempting to prove any difference in issue between the Senate and Governor, or to shew *any*, the *slightest* impropriety in the latter, argues either a lamentable depravity in them, or that the committee were driven to extremities to ferret out by *private inquisition*, something, however chaffy, to constitute an apology for seeking a rupture with the Executive about a *mere* book—the *mere* use and possession of a *book*. When the people of Indiana, and we may say of the Union, learn the theme of this difficulty, which has been preying upon the State Treasury, how they will admire it! Can they applaud that patriotism and that economy, in Senators, which, for the sake of arraying their names against their Executive, uselessly spend their money and stigmatize their government, in a *petty* and *unnecessary* wrangle about a *law book*? If there is any thing which can be ranked amongst the superlatives of *littleness*, it is this procedure. The report will doubtless triumph, not amongst honorable and generous men, but amongst those whose prejudices operate as a spell upon their conduct. I pronounce this report, and all its paraphernalia of *official slander*, deceptive. It is designed and calculated to mislead a community. And if I do not shew that it has neither claims to truth or honesty of purpose, candour nor sincerity, let me be condemned for my presumption in dissecting it.

The first part of this report, which selects several *parts* of sentences from my message, and applies them to the Senate, though not so expressed or intended by me, though intended for those *only*, who have been the cause of the present difficulty, and whose fears of the appearance of a *code*, have a relation to their purses, is passed by, with the remark, that if the Senate is determined to apply to itself those allusions, it is not in my power to prevent it.

In the next place, the report goes into by-ways to drag to view, that the Governor had fifty volumes of books, which he deposited in the Library on the 3d January, without any explanation as to the manner they came into his possession.—This is rather an disingenious insinuation. This will be explained in the fact, that all public documents, books and laws, yearly, from the twenty four States, and laws and journals of

Congress, come through the post office to the Governor, and these were late arrivals, which he, as usual, deposited in the Library.

The next part of the report which I shall notice is, a disgusting attempt to make the Governor set up a claim to private property, in the Louisiana code, by *severing entire sentences* from his message and throwing them together, as different members of the *same sentence*, altering the punctuation and changing the sense, when there is nothing expressed or implied, in his message, of such a claim being set up to the book: nor did he ever intend to alledge such a claim, but has expressly stated, in all his communications on this subject, that he considered the book the property of the State.

The Executive communication, which the report says, sets up this right, is on your journal to be seen, to which I refer the reader for the truth of this assertion. And I also refer him to the same, for the truth of the assertion, that this report detaches three *independent and distinct sentences*, conveying three *distinct and separate ideas*, from my message, relative to the property of this code and when received, neither of which intimate that it was considered private property, or that it was received by me, *after* the conversation with Mr. Livingston in 1828; and these three sentences are consolidated into *one* in the report, for the purpose of giving a false interpretation to my language; and so punctuated, as to make me say in connexion, what I do not say, in my message, in order to manufacture an issue to let in, as applicable, the certificates collected *privately*, by the committee. The reader is earnestly called to a strict comparison of the language, really used by me, and that attempted to be *recorded as mine*, which is disclaimed. This being the case then, all of the certificates which aim to prove, that this book has been in my possession for years, appear to be without any object whatever, as they prove the *identical* same thing, which I admit, and have never denied—the same thing, *FACT*, which I admitted to the committee verbally and in writing—the same *fact* which I laboured *in vain* to impress them with the truth of; the same *fact*, which the committee knew at the time they made their evasive report, to be my expressed intention.

The next part of the report worthy of notice, is a repetition of the insinuation, that the Governor's moral honesty was at stake, for keeping this code in his possession so long. Those very men and Senators, yea, the whole country knew, that this book was in my possession, as an important aid in forming a

code of laws. The fact that it was, was published by me officially and privately, and Senators have examined it in my own house and knew for what reason I had it, and that *that* was a public reason. This has been for years, a matter of as much notoriety, as that the Senate annually meet at Indianapolis to enact laws.

The Governor does not know where the committee finds the evidence for the assertion, that the Governor ever promised to have a code ready for the year 1829, or positively at any other time; and he will now add, that if he had it ready, he would not submit it; and perhaps will never write another article as long as the Senators occupy their places who have passed condemnation upon it, before they know what it contains. That the assertion is unfounded, that the Governor when called upon at the early part of the session, relative to the code, gave no satisfaction, he appeals to his response to that call, in which he did give all the satisfaction in his power.

In answer to the intimation, that the Senate wanted the book, I beg leave to refer to the report of the revising committee of a different character, and to assert, that if any Senator or other public officer, had intimated that he wished to use it, it would have been forthwith put into his possession.— This looks like a finished finesse, to excuse the attack. It is like the expressions of regret, that the Senate were driven into this controversy, when they originated it.

The Governor repels with indignant feelings, the intimation of the report, that he in the slightest particular “slandered or misrepresented” the Senate. These general terms are used without even an attempt to specify wherein this was done. It is impossible to make such a specification, or it would have been done. The Senate cannot point their finger to a single particular, wherein this is true. It is boldly and fearlessly challenged to this task. It must shrink from it. Is it the intimation, that books were at the date of my message, “charged to divers public officers and members of the Legislature, including Senators; to some recently; to others more remotely, and no *credits* entered for their return,” which is a slander and misrepresentation? If this is what is meant, I then appeal to the public record in the Secretary’s office, which *then* and *now* shews such charges, in staring *capitals*, and no credits for the return of the books charged; and charged, too, to some of those very Senators who voted for said report. A reference to the annexed report of the Librarian, will prove what I say.

The Governor did not charge Senators with *impropriety* in having books from the Library: he only charged the fact that they had them; and his object in doing this, was to shew what was a virtue in the Senators, could not be a vice in the Governor. The Librarian's certificate does not embrace the charge therefore, and is like the other certificates, wholly unmeaning in its connexion to that report.

The note which was addressed to the chairman of the committee, whilst it had the subject before it, had for its object, to defeat what he was informed was on foot, a *secret inquisition*, into the information which citizens might possess, relative to a point not denied, and to provide for himself the customary privilege of defending himself against the machinations of the secret conspiracy which he knew was formed to destroy and ruin him, by a *secret* and one-sided investigation. The committee treated this request with unqualified contempt. They did not even *deign* to answer it. They denied me the sacred right of defence. They refused with their customary "official courtesy and official comity," to furnish me with an opportunity of offering any evidence I had, to controvert or explain the matter they had in hand. And after making their report to the Senate, their chairman made a speech against giving me a copy of the same, when denied, to enable me to answer it. What now, has become of the boasted constitutional privilege of one's meeting his "*accusers face to face*." Here is a case where a citizen of Indiana, has been accused, tried, condemned and anathematized, without notice, in *secret*, without allowing him to be heard, though demanded, by a tribunal which, combined in itself, the tripple office of accuser, witness and judge, determining in its own case, and that a case of its own making. In vain! in vain! shall we now be told, after the decree is stamped with official sanctity, that their Governor is not a slanderer, that he may yet answer.

Tell the criminal under the gallows, the moment he is to be hung, after sentence has passed upon him, that he may then defend himself, and he would view the offer as the *height* and *depth* of human wickedness. Sir, when was ever committee raised to pronounce a citizen, an officer, a "slanderer;" and when was it ever done in a republic, or even a monarchy, except in the ages of barbarism and cruel tyranny, that he has been denied the right of trial, openly, as in this case? I hurl this accusation back upon my accusers, and demand the proof of the charge before my country, in the public prints, where I know I can be heard; or it shall fasten upon those who gave

it publicity, there to stain their characters through the lapse of ages. If the Governor has slandered the Senate, why cannot it point its finger to the instance? *General* denunciation will not do. The Governor proves as he asserts; why does not the Senate do the same? O, land of liberty! witness the age of *persecution*.

I this morning addressed a note to the Secretary of State, calling upon him to specify the names, on a memorandum, of persons who are charged on the books of the librarian with books, and the *time* of such charge, and to whose names no *credit* appears to be entered; to which I received a note from the librarian, declining to comply with my request, for *the want of time*. I then sat down to the books of the librarian, and copied amongst many others' names, the following, to shew that what I have heretofore stated, is correct:

Judge Blackford, charged with Jefferson's Notes, Nov. 15, 1829—no credit.

Calvin Fletcher, 1 vol. Russell's Modern Europe, charged Dec. 7th, 1829—no credit.

Mr. Worth 33d and 34th vols. Waverly, charged Dec. 12, 1829—no credit.

Dennis Pennington, acts of 1824, charged Dec. 12, 1829—no credit,

Mr. Blair, special acts of 1824, charged Dec. 12, 1829—no credit.

General Depauw, special acts of 1824, charged Dec. 30, 1829—no credit.

Samuel Merrill, 2nd vol. Robinson's America, charged Aug. 1830—no credit.

Mr. Pennington, acts of Congress 1825-6-7-8, charged Dec. 6, 1830—no credit.

A. Worth, 8th vol. Waverly, Dec. 31, 1830—no credit.

Judge Watts, Journal 1817-18, charged Dec. 8th, 1830—no credit.

C. Fletcher, 1st vol. Dip. Correspondence, charged Jan'y. 3d, 1831—no credit.

Mr. Graham, 17th vol. Waverly, charged 25th Jan. 1831—no credit.

The above, besides a great many other charges without credits, to Senators and others, stand as named upon the books. I do not give the said names, because it is supposed that any one of the gentlemen have acted improperly, or to insinuate that they have the State's property now; but to shew, simply,

the truth of my statement in my message, and the custom of the office.

The Governor, in his message of 1827, notified the Legislature, that he *had* Livingston's code then under examination. How, then, could any one understand him, as intending to say or insinuate, that he had received it *since* 1828? There is in this attempt at injury, the grossest injustice.

The Governor cannot understand the object of Mr. Merrill's letter. I will, however, make a remark to suit all the meanings intended by it. It is this: Not only the present Governor, but all former Governors, have paid the postage of books and laws sent by mail to this state, out of the contingent fund. It was their legal right to do so. The propriety of doing so, never has been, nor never will be questioned.

I have not time, the Legislature being at the point of adjourning, to say more, in answer to this report and documents now. I may have occasion to notice them in the papers.

I conclude by solemnly declaring, that what is not untrue in the same, is ungenerous, and shews no impropriety on my part, for any thing they have assumed to establish.

We are indebted to certain *lawyers*, who are inimical to a *code*, for all of this trouble. It is one of the fruits of placing them where they are.

In haste, I am, &c. yrs.

JAMES B. RAY.

N. B. The above is the production of a few minutes, and may be imperfectly written.

RAY.

Which was read.

On motion of Mr. Whitcomb,

Resolved, That the foregoing communications of the Governor be submitted to the inspection of the Secretary of State, and that he be requested forthwith to inform the Senate, whether the books therein mentioned as having been taken by Senators and others from the state library have been returned, with time of such return if now made, and whether any Senator or other person has ever kept a book from the library beyond the period of one session.

Mr. Ewing moved the adoption of the following resolution:

Resolved, That the Secretary of State furnish a transcript of the library books, shewing the books thereon charged, and not returned by any entry thereon, and the names of persons to whom they stand charged without credits on said books.

On motion of Mr. Orr said resolution was so amended as to

require the Secretary, to furnish said transcript on the first Monday in December next.

On motion of Mr. Fletcher, said resolution as amended, was laid on the table.

The President laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT,
Ind'a. Ind's. Feb'y. 10, 1831. }

HON. MILTON STAPP,

President of the Senate,

SIR:—Understanding that the Senate have, by solemn vote, excluded an Executive communication, made to it, in answer to a report of the committee to whom my message, on the subject of the Supreme court, was referred; I therefore request that it may be forthwith returned to me, that I may publish the same in the public prints or otherwise, as I may think proper.

Respectfully, your ob't. serv't.

JAMES B. RAY.

On motion it was resolved unanimously, that the Governor be furnished with the message requested in the foregoing communication, which message was immediately sent to him by the assistant secretary.

Mr. Depauw from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the enrolled with the engrossed bill, entitled,

An act dividing the State into Judicial circuits, and fixing the times for holding courts therein and for other purposes.

And found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an enrolled bill, entitled,

"An act to organize Probate courts and defining the powers and duties of executors, administrators and guardians,"

I am directed to bring it to the Senate for the signature of their President.

The President having signed said enrolled bill it was handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an enrolled bill entitled,

"An act dividing the State into Judicial circuits and fixing the times of holding courts therein and for other purposes,"

I am directed to bring it to the Senate for the signature of their President.

The President having signed said enrolled bill, it was handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Fletcher from the joint committee on enrolled bills would now report, that they did on this day present to the Governor, for his approval and signature, the following enrolled bills entitled acts, to-wit:

An act authorizing the re-printing of sundry acts and for other purposes;

An act incorporating congressional townships, and providing for public schools therein;

An act fixing the times of holding courts in the several Judicial circuits in this State and for other purposes;

An act to organize Probate courts and defining the powers and duties of executors, administrators and guardians.

Mr. Depauw from the committee of enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the following titles, viz:

"An act supplemental to an act providing for a sale of the

donation lands around Indianapolis;"

"An act to organize Probate courts and defining the powers and duties of executors, administrators and guardians;"

"A joint resolution for the relief of certain persons therein named,

And found the same truly enrolled.

A message from the House of Representatives by Mr. Sheets their clerk:

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That there be a joint committee appointed on the part of this House, to act in conjunction with a similar committee on the part of the Senate, to wait upon the Governor, and inform him, that both Houses have gone through with their Legislative business, and are now ready to adjourn *sine die*, if he has no further communications to make to them; that the Senate be informed of the adoption of this resolution and a similar one on their part requested.

Messrs. Gardner and Hillis have been appointed said committee.

A message from the Governor, by Mr. Forsee, his private Secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor to inform the Senate, that he did on this day approve and file in the Secretary's office the following acts:

An act dividing the state into judicial circuits and fixing the times of holding courts therein, and for other purposes;

An act to organize probate courts and defining the powers and duties of executors, administrators and guardians.

The following resolution was moved and adopted by common consent, to wit:

Resolved, That a committee be appointed on the part of the Senate to act with the committee already appointed on the part of the House of Representatives, to wait on the Governor, and inform him that the two Houses have gone through their Legislative business, and are now ready to adjourn *sine die*, and know of him if he has any further communications to make to the General Assembly.

Ordered, That the House be informed thereof, and that Messrs. Claypool and Frisbie, are appointed such committee.

The President having retired, Mr. Frisbie offered for adoption the following resolution:

Resolved, That the thanks of the Senate are due the Hon. Milton Stapp, for his intelligent, prompt and faithful administration of the functions of presiding officer, and that in retiring from the office, he bears with him, the good opinion of this body.

Which having been read was unanimously adopted.

Mr. Frisbie made the following report:

MR. PRESIDENT:

The joint committee appointed on the part of each House, to wait on the Governor to enquire if he had any further communication to make to this General Assembly, have performed that duty, and have received for answer that he expects to make further communication.

A message from the House of Representatives by Mr. Sheets their Clerk.

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed that the House of Representatives have gone through the business before them, and are now ready to adjourn *sine die*, and that a similar resolution on their part be requested.

On motion of Mr. Gregory,

Resolved, That the House of Representatives be informed that the Senate reciprocate their resolution upon the subject of adjournment, and that the Senate are now ready to adjourn *sine die*.

And the Senate adjourned.

AUSTIN W. MORRIS,

Assistant Secretary.

February 10, 1831.

APPENDIX.

(A)

REPORT OF THE CONTRACT COMMISSIONER OF THE MICHIGAN ROAD.

Indianapolis, Saturday, December 11, 1830.

TO THE HONORABLE THE GENERAL ASSEMBLY OF THE STATE
OF INDIANA.

The undersigned commissioner, appointed to carry into effect the provisions of an act of the Legislature, approved January the 29th 1830, providing for opening that part of the Michigan road, intervening the Wabash and Ohio rivers, in obedience to its injunctions, now has the honor of submitting to the Legislature, a report of his proceedings, whilst in the discharge of the duties enjoined by said act.

An unexpected and unavoidable delay in the meeting of the commissioners, to whom you confided the location of that part of the road between the towns of Greensburgh and Madison, prevented your commissioner from entering on the labours assigned him, earlier than the latter part of May, at which time he met the before named commissioners at Greensburgh, who, to run the random lines, and thereby hasten the work, took into their service the surveyor and hands employed by the undersigned, whilst they were examining the intermediate routes. A choice of routes having been determined on for the unlocated portion of the road, between the points before mentioned, your commissioner about the 1st day of June, was enabled to begin the laying off the road in sections of one mile each commencing, as directed, at the town of Madison.— So much time having elapsed, and being limited to the 3d Monday in July to place the Road under contract, your commissioner found he could not, within nine days lay it off to the Wabash, return, and then advertise the three weeks required by law, so as to commence the sales at Madison by the 1st day of July. To avoid a failure in carrying into effect the orders and wishes of the Legislature, your commissioner was under the necessity of preparing printed notices, naming the number

of sections to be sold at each place from the best estimate he could make of the distance from one point to another, which were distributed as he passed along the line laying off the road. Besides the notice given along the line, advertisements were sent to all the adjoining counties, and through the politeness of the Editors, a place was obtained for them in the papers published at Logansport, Lafayette, Rushville, Greensburgh, and Lawrenceburgh.

To suit public convenience as far as time would permit, the sales, commencing at Madison on the first day of July, and ending on the 3d Monday at Logansport, were holden at the following places:

| | |
|---------------------------------|--------------|
| At Madison for the sale of | 15 Sections, |
| At Mr. Brown's, | 10 Sections, |
| At Napoleon, | 10 Sections, |
| At Greensburgh, | 15 Sections, |
| At French's Inn, | 10 Sections, |
| At Shelbyville, | 15 Sections, |
| At Means' Inn, | 11 Sections, |
| At Indianapolis, | 25 Sections, |
| At Capt. Lowe's on Eagle Creek, | 20 Sections, |
| At Logansport, | 32 Sections, |

The distance from Madison to the Wabash, near Logansport, is 163 miles, and the aggregate amount of sales is \$62,135 85, making an average of \$381 20 per mile. Bonds with good and sufficient security have been taken of the contractors conditioned for opening the road 100 feet wide, grubbing 30 feet of the centre, and completing it in all respects as required by law, by the 30th of November of the next year.

In laying off and placing the road under contract, the fund has been made liable for the further sum of \$186 50, on account of the wages of the surveyor, chain carriers, a hand to mark and set mile stakes and for printing and stationary, as per the annexed items. At Napoleon, Greensburgh, Frenches, Shelbyville and Indianapolis, the citizens entered into generous competition, more so, than elsewhere. The grubbing of the heavy timber from the 30 feet of the centre, seemed to deter many of the farmers from embarking in the enterprize, and the inducements, as to the time of payment, invited but few capitalists to the field. Owing to the high prices of provisions and labor in that quarter, and the difficulties that must be overcome in prosecuting the work, that part of the road passing through the wilderness north of Indianapolis, went off very high. The balance of the work, it is believed, taking

all things into view, has been taken at prices that cannot be called extravagant.

The opening of the road was commenced by most of the contractors soon after the sales were closed and has progressed as rapidly as could be expected until some alarm and apprehensions were excited by the recent decisions of one of the Departments of the General Government, in virtue of which, a portion of the lands lately selected for the road have been sold at the United States' Land Offices. Of the undertakers, four only, are men of capital; with these exceptions, the work has been distributed among day laborers, blacksmiths, farmers and inn-keepers; men whose resources are limited, but whose character for honesty has enabled many of them to employ hands on the promise of money or scrip next fall, relying on a sale of the lands to meet their engagements or to enable the laborer to purchase a home. To some of them, and to sub-contractors the decision alluded to has proved most embarrassing, the hands employed have become discouraged, and in some instances, have abandoned the work. Of this their situation the undersigned has promised to make a suitable representation to the Legislature, and he feels it his duty to add, that unless some step be taken to restore confidence the completion of a part of the road will be rendered doubtful, and much loss and distress will ensue to those contractors now indebted to their hands.

The scrip to be granted to the contractors, if in sums as contemplated by law, will be too large for negotiation or for the convenience of the holder; it is therefore respectfully recommended, that the Commissioner and Secretary of State be authorized to sub-divide it in sums of 100 dollars each, if desired by the owner.

N. NOBLE, *Contract Com. M. R.*

The State of Indiana, Dr.

| | |
|---|---------|
| To Nathan Davis for 37 days' services as chain carrier laying off the Michigan Road, he finding himself, at one dollar and fifty cents per day, | \$40 50 |
| To Simeon Sedwick for same services, | 40 50 |
| To Mr. Demoss for five days' services setting mile stakes, | 3 50 |
| To John Pogue for 12 days' services in marking and setting stakes from Indianapolis to the Wabash, | 18 00 |
| \$3 | |

| | |
|--|----------|
| To Henry Brady, as surveyor, 27 days at \$2, | 54 00 |
| To Morrison and Kinnard for printing bonds, | 10 00 |
| To Douglass and Maguire for printing notices of sale, | 6 50 |
| To W. Mitchell, Greensburgh, do. | 10 00 |
| To John Cain, for blank book, and seven quires paper, | 3 50 |
| | <hr/> |
| | \$186 50 |

The surveyor and hands were eight days of the above time
in the service of the other Commissioners.

(B)

REPORT OF THE CANAL COMMISSIONERS.

TO THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

The commissioners of the Wabash and Erie canal respectfully report—That in May last they were organized as a board, under the provisions of the canal law of the last session of the Legislature, and immediately made arrangements to procure an Engineer to superintend the construction of the canal in Indiana. Convinced that a sound regard to economy required the work to be entrusted to competent hands, they omitted no labor which was supposed necessary to accomplish that object. From an extensive correspondence in relation to canals in various places, an opinion was clearly formed that for prudence in the management, economy in the construction of canals, and satisfaction with the persons employed, the school of Engineers in Ohio had been particularly fortunate; which with their acquaintance with the prices of labor, cost of materials in the western country, and persons qualified to construct the various works of canals, as well as from the fact, that the particular work which each Engineer had performed, was well known to the board, it determined them, if possible, to procure an Engineer from that quarter. With some difficulty they engaged Joseph Ridgway, jr. Esq. who had superintended extensive and difficult portions of the Ohio canals from their first location to their final completion. Scientific acquirements of the first order, joined with much practical knowledge and experience in canalling, render him entirely competent for the various duties of Chief Engineer. He entered on the discharge of his trust early in August last, and has completed the examinations of the summit section as was contemplated by the canal law of the last session. To his report for estimates in detail, plans, &c. you are respectfully referred.

The act of Congress of May 29th, 1830, authorized the commissioners to select 29,528 71-000 acres of land in lieu of those sold and permanently reserved in the tiers of sections falling to the state in the canal donation. This quantity has been selected with great care, generally in small tracts of the public surveys contiguous to the canal line, and reported to the Fort Wayne and Crawfordsville Land Offices previous to the

late sales of lands in those districts. Sufficient time, however, has not elapsed to receive the answer of the commissioner of the General Land Office in relation to this subject, but as the selection was made in the manner and time proposed by the department, no doubts are entertained of its assent to the selection.

The canal lands were advertised according to the provisions of the canal law, and in October last, 41,931 41-100 acres, sold for the total sum of \$71,038 85, of which \$24,849 59 of the purchase money; and \$2,771 46, the interest one year in advance on the residue of \$16,189 26, was received in cash, making the amount received by the Fund Commissioner, \$27,621 05. The average price per acre was less than was anticipated. In Carroll and Cass counties, which were partially settled, the sales fully realized the expectations formed of them; but higher up the route, where but few persons reside, much the largest portion sold was struck off at \$1 25 per acre.

It will be observed by reference to the report of the Engineer that his estimates of the cost of the summit section, exceeds the estimates made by the Commissioners in 1828. In making their estimates they were governed by the prices of labor then generally given in Ohio and Indiana, and the prices of provisions on the route; labour at \$8 per month, flour at \$4 50 per barrel, and bacon at 5 cents per lb. The Engineer supposed the price of labour too low, and increased his estimates to bear a nearer proportion to the present value of labour, which from the flourishing condition of the western country, and the extensive works of improvement has materially increased in value. He found it necessary to extend the feeder about one mile further up the St. Joseph's, which with 24,000 dollars, or more than 10 per cent. for contingencies in his report, an item not charged in the Commissioners' estimate from the belief, that the liberal allowance of cost on the other portions of the route would cover that item, has increased the estimate of the Engineer for the summit section, over that of the Commissioners, near the sum of 48,000.

The board are not, however, apprehensive that the cost of constructing the whole work will exceed the total amount of the original estimate. The work on either side of the summit section was estimated at a much higher rate. The board were not able to procure an engineer on whom they could freely rely, for a salary as low as was expected. They have contracted with Mr. Ridgway for a salary of two thousand

dollars per annum, to be paid quarterly—board and travelling expenses to be paid by the State—conditioned that his compensation shall not be less than one thousand dollars, or equal to six months salary for the present season. It was considered a matter of more importance to the interests of the State to have the superintendence of the canal entrusted to a person of undoubted skill and ability, than a few hundred dollars in the compensation. The sum, however, that Mr. Ridgway receives, is the same as the lowest price paid in Pennsylvania—the same as was paid to Judge Bates in Ohio, and a less sum it is believed, than is paid to the Engineer of the Louisville canal in Kentucky. The portion of lands sold at the late sale, is by no means superior in soil or situation, to an equal quantity which, under the provisions of the law, will be offered for sale in April next. The 29,528 acres lately selected before the lands in the canal donation were offered for sale, are of the first quality, and would have commanded fair prices if they could have been offered at the late sale. The board are fully aware that with perfect propriety, the sphere of their duties is limited to carrying into effect such measures as they may be directed to perform rather than to offering opinions to those who are much more able to decide. They cannot, however, forbear from expressing the deep solicitude which they feel for having a portion of the canal put under contract the ensuing summer, a measure which they believe is equally demanded by the increased value it would give to the unsold lands in the canal donation, and the terms held by the law of last session to the purchasers who bought lands under its provisions.

The sum received in cash for lands sold at the October sale, as before stated, is \$27,621 05, an amount too small to commence the work, and carry it on with sufficient rapidity to command public confidence, or in a manner which would be warranted by principles of economy. The board are far from desiring that any course should be taken which would involve the state in liabilities of any kind, that would increase taxation on the people. They view, however, the grant of lands made by Congress as a rich boon, and wish to have the amount for which the lands will sell for, applied prudently and economically to the construction of the work so far as it will go; feeling assured that with this amount expended in the first instance, no difficulty would be found in afterwards pledging the canal for a term of years for its ultimate completion.

The commencement of the canal is necessary to make the

canal lands realize their full value. A loan limited to the amount the lands may sell for, with the faith of the state pledged for the punctual payment of the interest and its ultimate redemption, is believed to be the true policy to advance the interests of the state. No sum can be better secured than the amount which is, and will be due from the purchasers of the canal lands. The interest is payable in advance, and the lands on which the several balances are due, are subject to be forfeited for twenty days delay of payment. The location of the canal directly in the centre of the lands from which the fund is derived, must so enhance their value, that few or no tracts will be forfeited, and if, in rare cases they should take place, from their situation they will be worth more than the three-fourths of the purchase money or balance due; and from the faith of the state being pledged to the purchasers of the donation that all such tracts shall be sold without delay, and the entire proceeds of such sales applied for the benefit of the canal, no loss can be sustained.

For the faith of the state to be pledged for the regular payment of the interest and ultimate redemption of a loan limited to the amount of the balance due from the purchasers of the canal lands secured as that fund is, with the lands from which it is derived, rendered daily more valuable by the construction of a great work of public improvement in their vicinity, no hazard can be perceived. This assurance given would prevent distrust with the persons who might advance the loan, and perhaps insure better terms in procuring it, than could be obtained without its being given.

A law authorizing actual operations on a canal should provide for the entire measures to be pursued in constructing it. The sums necessarily required, in the progress of a canal, must depend on the labour done in each particular year, which, from a variety of considerations, cannot be anticipated or met by annual legislative provisions, so as to prevent injurious delays. A course of canal policy well defined by legislative enactment, providing for the measures to be pursued, would establish a confidence in the work, which would facilitate the means of procuring a loan, and give a character which would be highly beneficial in enhancing the value of the canal lands.

In contemplation of a loan, limited to the amount of the balances due from the purchasers of the canal lands, a board of loan commissioners, to negotiate loans, will perhaps be necessary. The business of selling the canal lands, and having the

contracts executed for canal operations, will give the board of canal commissioners sufficient employ.

The St. Joseph's Feeder is partly located on lands which were sold previous to the act of Congress, 1827, and a few tracts are similarly situated on the canal line. Provisions will be necessary to authorize the Engineer or Commissioners to enter on the lands of any person for timber, stone or other materials to construct the canal, with power to call a jury and assess damages, if any should be sustained more than would be compensated for by the increased value which the canal would give the property it passes through. And provisions necessary to prevent the destruction of banks, mechanical structures, and interference with locks, gates, &c.

It is a matter of some regret to the board, that the state of Ohio has not ratified the compact with Indiana, in regard to that part of the canal line, on the Maumee, in the bounds of Ohio. The act of Congress, offering that state five alternate sections on each side of the canal route, contemplated a continuation of the Miami canal from Dayton to the Auglaize and down the Maumee. The difficulty, if not impracticability of supplying the Loramic summit with water, has probably had greater weight in producing their delay in ratifying the compact, than an unwillingness to co-operate with Indiana, should our canal be made from the Tippecanoe to the Ohio state line. The making of seventy-eight miles of canal, and that not of expensive construction, would give them the benefit of the tolls on all the freight which would pass in or out of the state, on our canal of 128 miles in length; the portion of the canal in Ohio will evidently be the most profitable part of the route, and independent of the advantages of the canal to that section of country, a regard alone to the profits arising from it will ensure its construction.

In recommending a loan, the board are influenced only by the wish to advance the interests of the State; they consider the Canal Fund, arising from the sales of the public lands, to be so well secured, that the state cannot doubt its stability or value, and that no risk would be hazarded in making the strongest pledges in its favour.

The increased value of property and lands in the vicinity of canals, can scarcely be appreciated, nor are the benefits arising from them, limited to the districts they pass through—they essentially contribute to the convenience of a country, unfold its resources, stimulate its energies and add to its wealth. The sums which would be expended in the construction of the ca-

nal, would be that much additional capital paid to the farmers and labourers of the state, and would give an impulse to business and enterprise, which would have a salutary effect in every quarter.

Whatever disposition may be made of the canal subject, or measures adopted in relation to it, it will give the board great pleasure to execute such duties as they may be directed to perform, and on their part will use every effort, which they suppose may assist in the least degree, in promoting an object so important to the interests of the state.

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| The expenditures of the past year have been— | |
| For pay to Canal Commissioners, | \$1,180 00 |
| “ “ Engineer, including salary up to Feb. 4th, 1831, | 1,000 00 |
| Assistant Engineer, Surveyor, hands, provisions, spirit level, instruments, camp equipage, transportation, board of engineers, &c. | 1,038 02 |
| Applicable to canal expenditures, | \$3,218 02 |
| For books, clerk hire, advertising sales, &c. in selecting and selling lands, | 721 45 |
| Total expenditure, | \$3,939 47 |
| Deposited by J. Vigus with Treasurer of State, | 24,065 30 |
| Balance placed in the hands of D. Burr to meet outstanding claims, | 616 28 |
| | <u>\$28,621 05</u> |

| | |
|---|--------------------|
| The sums received have been— | |
| For cash received of Treasurer | \$1,000 00 |
| “ cash received on account of sales of lands, | \$27,621 05 |
| | <u>\$28,621 05</u> |

As per account and vouchers reported to Auditor of State.

The editors who published the sale of lands were requested early in October last to forward duplicate receipts of their bills to the office of the commissioners for payment. A small number of the accounts only have been received, varying in amount from fifteen to forty-three dollars. The settlement of these bills is in a train of negotiation. The reported balance of \$616 28 has been placed in the hands of David Burr,

to meet these claims and to be accounted for in the next quarterly report. All of which is respectfully submitted.

| | | |
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| D. BURR, | } | <i>Comm'rs. of the Wabash and Erie Canal.</i> |
| J. VIGUS, | | |
| SAML. LEWIS, | | |

Indianapolis, Dec. 18th, 1830.

(C)

ENGINEER'S REPORT.

TO THE GENERAL ASSEMBLY OF THE STATE OF INDIANA.

In conformity to "an act to provide means for constructing that portion of the Wabash and Erie Canal, within the state of Indiana," passed January 28th, 1830, the following report of the estimated expense of constructing the summit or middle division of said canal is respectfully submitted.

Early in July last, the Board of Canal Commissioners of the state of Indiana, in conformity to their instructions, employed the subscriber to make such examinations as would be necessary to determine the final location of the middle division of the Wabash and Erie canal, and to make such estimates of the cost of its construction as, in his opinion, would satisfactorily effect the object contemplated. The examinations were commenced early in August, and were prosecuted until the latter part of September; during which time, so much of the main line as extends from the termination of the St. Joseph's Feeder to the mouth of Little River, together with the Feeder from the St. Joseph's river, was satisfactorily located, embracing together, a distance of 31 miles and 46 chains.

The examinations which have heretofore been made across the same summit, by the United States' Engineers, and also by your board of canal commissioners, have been found of very great advantage in determining the permanent location of the line. The elevation of the base line of the canal, crossing the summit, seemed to be determined by the height to which the water rises in St. Mary's river, at the contemplated crossing of the canal, as it had been ascertained, by previous examination, that a line crossing the St. Mary's river, sufficiently elevated to be above the range of its highest floods, would cross the summit, without encountering any extraordinary depth of excavation. This preparatory step being determined, it became necessary to ascertain at what point on the St. Joseph's river, a feeder could be taken out to the best advantage, for supplying the summit level with water. After a close examination of the river, for several miles above its confluence with the St. Mary's, a point about six miles above Fort Wayne was selected, as being most suitable for its commencement.

The immediate valley of the St. Joseph, particularly near its lower termination, is narrow, and high bluff banks alter-

nately project into the river from either side. One of these bluffs it will be necessary to encounter in the construction of the feeder, and will add very considerably to its cost. The feeder commences immediately at the lower termination of the second bluff, and at this place it will be necessary to construct a dam across the St. Joseph's river, fourteen feet in height, and two hundred and forty feet long, which together with a guard lock for the passage of boats from the river into the canal, and also to guard the feeder against the operation of high water, will constitute considerable items of expense. The further extension of the feeder up the St. Joseph, would greatly add to its cost without materially diminishing the height of the dam which it would be necessary to build, as the river above this place, has but little fall for many miles. With the exception of the first bluff, which is about three-fourths of a mile in extent, there are no obstacles presented in the construction of the feeder of more than ordinary occurrence: several culverts and a small aqueduct across Spy run, are the only remaining mechanical structures upon the feeder line.

The main line of canal, from the termination of the St. Joseph's Feeder to the mouth of Little river, passes over ground more than usually favorable for its construction. The first five miles is located along the north-western side of Mill creek Prairie, and immediately at the base of high open oak land, which rises to the right. This distance includes the crossing of Marais Du Perches, which is a low flat arm of Portage Prairie; but not sufficiently depressed to have its waters passed under the canal by means of culverts, or to permit the canal to be passed over it by an aqueduct; but as it is necessary to provide a passage for a large quantity of water, which it is said to afford during the winter and spring floods, an extensive waste weir with guard gates at either end is contemplated as the best means for securing the safety of the work. The next five miles of the line, extending to the crossing of Rivierre a Boit, passes mostly along the western side of Portage Prairie, and is similar in its character to the preceding part of the line. It may here be remarked, that wherever the line of canal is located along the edge of the different prairies, it frequently crosses wet and swampy ground, the towing path, through which, must necessarily be made of firm earth brought from the adjoining high land. Such additional expense is included in the estimates. Rivierre a Boit is by far the largest stream to be encountered on the middle division of the canal, and will require an aqueduct, having a clear space of 90 feet beneath

it for the passage of its water; this lateral space is considerably larger than the ordinary channel of the stream, but is rendered necessary, owing to the slight elevation of the base line of canal, above the ordinary surface of low water in the river, and is intended to compensate for the consequent depression of the water way. From this point to section No. 25, embracing about two miles, the line lies along the west side of Raccoon prairie, and in its course passes through Raccoon village. At section No. 25, the prairies terminate, and the line between this place and Lock No. 1, passes through heavily timbered land, embracing in its course the crossing of several small streams and one stream which will require a small aqueduct.

It may be observed, that the canal throughout its whole location, is at or near the base of high land, rising immediately to the right, and that its general course is so well defined as not to admit any material change in its position. Lock No. 1 is located on section No. 31, about sixteen miles from the commencement of the canal and at a point where Little river approaches very nearly to the line: from this place to section No. 40, at the crossing of the Fort Wayne and Logansport road, the land is heavily timbered, and the canal in traversing this distance, crosses several inconsiderable streams, which are passed by means of culverts and small aqueducts in the usual manner. From this point a range of narrow prairies skirt the southern side of the canal for about one and a half miles, when the heavily timbered land again commences, and continues to the end of the line, throughout the whole length of which, no obstruction of importance occurs. Locks No. 2 and 3 are located on section No. 49, and Lock No. 4 on section No. 50, which section terminates the location of the middle division, and is a half mile above Sharlow's Town, at the mouth of Little river. It is to be regretted that stone of a suitable quality for the construction of a dam and aqueduct abutments and for culverts, has not been found contiguous to the north end of the line, as the re-building of any of these structures must necessarily be attended with much extra expense and a considerable interruption in the use of the canal; the great distance which it would be necessary to transport stone, however, for all works between the head of St. Joseph's Feeder and section No. 26 of the canal line, entirely precludes the idea, of using that material, and a resort to wood as a substitute, is the necessary consequence; accordingly all structures upon the feeder, and upon that part of the main line included in the first 25 sections

are estimated to be built of timber, and all culverts and aqueduct abutments between sections 25 and 50 inclusive, are estimated to be constructed of stone. The cost of these will, in the first instance, be considerably more than the cost of wooden structures of the same kind, but it is believed that when the difference of expense is not too great it had better be encountered at the first construction of the work. The locks are not included in the preceding remarks and are estimated to be built of wood.

Timber of an excellent quality abounds in the vicinity of the Lock sites; and as the first cost of a Lock constructed of timber, will not exceed one third of the expense incident to a stone Lock, it may be estimated that the interest upon the difference of their cost, would be much more than sufficient to renew the timber Lock every eight years; particularly when it is recollected that the necessary repairs of such Lock, will not involve more than one half the expense of its original construction, as the foundation, and all the lower part of the Lock, embracing 4 feet in height, which is constantly submerged in water will scarcely ever require any repairs.

With regard to a supply of water for the summit division of the Wabash and Erie Canal, it may be remarked, there is no other permanent source to depend upon than the St. Joseph's river, but this with proper care in the construction of the work, is deemed sufficient for all necessary purposes. From several careful examinations it is satisfactorily ascertained that the St. Joseph's river at its lowest stage gauges more than 5000 cubic feet of water per minute, of which quantity it is fair to estimate that 4600 cubic feet may be introduced into the canal. Experiments have been extensively made upon newly constructed canals in different countries, and composed of different materials for the purpose of ascertaining the average quantity of water expended by lockage and evaporation; the average thus obtained is about 100 cubic feet per minute for each mile of canal; experience, however, shows that the loss of water by leakage continually decreases, and that the use of a canal one season only, will very materially lessen the expenditure. This diminution is owing to the continual deposit of fine earth which is carried from the streams supplying the Canal, particularly during the continuance of winter and spring floods; and the same cause continuing to operate, will in time render the bottom of a canal almost impervious to water, even where it is composed of the most porous materials. The middle section of the Wabash and Erie canal for more than half its length,

passes along the edge of a series of small prairies, which are kept wet on their margin throughout the year, by water issuing from springs along the banks of the high land adjoining.— When it is considered that this location occupies nearly the lowest ground in the vicinity, for at least 15 miles, and that all the water collected from the numerous springs, will be taken into the canal, it is not unreasonable to suppose, that the water necessary to be drawn from the Feeder, for supplying this part of the line, will not exceed the one fourth part of the quantity usually required for the same distance.

It has been already remarked, that a minimum of 4600 cubic feet per minute may be introduced upon the summit level, and this, it is believed, will be sufficient to supply a line of 67 miles in extent, commencing at a point on the Maumee, below the state line, and extending across the summit to a point on the Wabash, some distance below its confluence with Little river; 52 miles of this line, it is believed, may be supplied by the introduction of 75 cubic feet of water per minute; and 15 miles on the summit will not probably expend more than 50 cubic feet per minute for each mile of canal; there can be no doubt but that at the northern and southern terminations of this line, the Wabash and Maumee rivers will respectively furnish a sufficient quantity for the continuation of the canal, particularly when it is considered that a great proportion of water which escapes by leakage from the upper level of the canal, will find its way into either the one or the other of these streams.

Particular estimates in detail of the expense of constructing the middle division of the canal, have been made and are presented accompanying this report, together with such plans, maps, and profiles as have been perfected, all of which it is hoped will be satisfactory to your honorable body. The annexed schedule shews the estimated expense of contracting each separate section of the feeder and canal line.

All of which is respectfully submitted.

J. RIDGWAY, Jr. *Engineer in Chief.*
Indianapolis, Dec. 18, 1830.

ST. JOSEPH'S FUNDING.

[illegible]

Middle Division of Canal Line.

[illegible]

| Sta. | Length. | | Grubbing. | Ex. & Emb. | Culverts. | Aqueducts. | Locks. | Waste weir. | Bridges. | Total. |
|------|---------|-------|-----------|------------|-----------|------------|---------|-------------|----------|-----------|
| | M. | Chs. | | | | | | | | |
| No. | Chs. | | \$ | c. | \$ | c. | \$ | c. | \$ | c. |
| 19 | 42 | 10 01 | 378 00 | 1910 38 | | 2367 80 | | | | 4656 18 |
| 20 | 39 | 10 40 | 195 00 | 2133 76½ | | | | | | 2328 76½ |
| 21 | 39 | 10 79 | 117 00 | 1643 21½ | | | | | | 1760 21½ |
| 22 | 39 | 11 38 | 68 25 | 1842 16 | | | | | | 1910 41 |
| 23 | 42 | 12 00 | 168 00 | 2263 05 | 335 06 | | | | | 2766 11 |
| 24 | 39 | 12 39 | 48 75 | 1545 68 | | | | | | 1594 43 |
| 25 | 39 | 12 78 | 234 00 | 2938 98 | | 1415 12 | | | | 4588 10 |
| 26 | 42 | 13 40 | 378 00 | 1545 64 | 847 67 | | | | | 2771 31 |
| 27 | 39 | 13 79 | 331 50 | 1192 27 | | | | | | 1523 77 |
| 28 | 39 | 14 38 | 321 75 | 1775 75½ | 847 67 | | | | | 2945 1¼ |
| 29 | 42 | 15 00 | 378 00 | 4771 51½ | | 5323 74 | | | | 10473 25½ |
| 30 | 39 | 15 39 | 234 00 | 1206 61 | | | | | | 1440 61 |
| 31 | 39 | 15 78 | 331 50 | 2085 30 | 605 54 | | 3585 00 | | | 6606 34 |
| 32 | 42 | 16 40 | 315 00 | 1500 12½ | | | | | | 1815 12½ |
| 33 | 39 | 16 79 | 292 50 | 1528 64½ | 592 29 | | | | | 2413 48½ |
| 34 | 39 | 17 38 | 204 75 | 1524 49½ | | | | | | 1729 2¼ |
| 35 | 42 | 18 00 | 262 50 | 1404 54 | | | | | | 1667 04 |
| 36 | 39 | 18 39 | 292 50 | 1249 65 | | | | | | 1542 15 |
| 37 | 39 | 18 78 | 321 75 | 2013 53½ | | 4078 94 | | | | 6414 22½ |
| 38 | 42 | 19 40 | 315 00 | 1588 06½ | | | | | | 1903 06½ |
| 39 | 39 | 19 79 | 234 00 | 1341 88 | | | | | | 1575 88 |
| 40 | 39 | 20 38 | 87 75 | 1536 18 | | | | | 130 00 | 1753 93 |

| Sta. | | Length. | | Grubbing. | | Ex. & Emb. | | Culverts. | | Aqueducts. | | Locks. | | Waste weir. | | Bridges. | | Total. | |
|------|------|---------|------|-----------|----|------------|-----|-----------|----|------------|----|--------|----|-------------|----|----------|----|--------|-----|
| No. | Chs. | M. | Chs. | \$ | c. | \$ | c. | \$ | c. | \$ | c. | \$ | c. | \$ | c. | \$ | c. | \$ | c. |
| 41 | 42 | 21 | 00 | 168 | 00 | 1607 | 61 | | | | | | | | | | | 1775 | 61 |
| 42 | 39 | 21 | 39 | 78 | 00 | 1868 | 66 | | | | | | | | | | | 1946 | 66 |
| 43 | 39 | 21 | 78 | 87 | 75 | 1620 | 10½ | | | | | | | | | | | 1707 | 85½ |
| 44 | 42 | 22 | 40 | 294 | 00 | 1447 | 19 | | | | | | | | | | | 1741 | 19 |
| 45 | 39 | 22 | 79 | 263 | 25 | 1417 | 10 | | | | | | | | | | | 1680 | 35 |
| 46 | 39 | 23 | 38 | 312 | 00 | 1529 | 25 | | | | | | | | | | | 4678 | 69 |
| 47 | 42 | 24 | 00 | 315 | 00 | 1576 | 38 | | | 2837 | 44 | | | | | | | 1891 | 38 |
| 48 | 39 | 24 | 39 | 292 | 50 | 1403 | 96½ | | | | | | | | | | | 1696 | 46½ |
| 49 | 39 | 24 | 78 | 292 | 50 | 2568 | 48 | 443 | 46 | | | 7012 | 00 | | | | | 10316 | 44 |
| 50 | 15 | 25 | 13 | 112 | 50 | 1412 | 53 | 443 | 46 | | | 3515 | 00 | | | | | 5483 | 49 |

RECAPITULATION.

Dolls. Cts.

Total amount of Canal, - - - - - 141,677 88
Do. " Feeder, - - - - - 70,077 21½

Add for contingencies, 211,755 09½
24,194 90½

\$235,950 00
7,500 00

Average per mile,

(D)

SECRETARY'S OFFICE,
January, 1831. }

HON. MILTON STAPP,

President of the Senate:

SIR—In obedience to a resolution of the Senate, adopted 29th December, calling for information on various points in reference to the State Library, the Secretary of State, discharging the duties of Librarian, did on the 29th Dec. address letters to the Governor, Auditor, Treasurer, and his predecessor in office, requesting the desired information. The answers of these gentlemen are herewith submitted.

The Governor did, on the 3d instant deposit in this office, the following books and pamphlets, viz:

7th, 8th, 9th, 10th, 11th, 12th and 13th volumes Henning's statutes at large; House Journal of Congress, from 1787 to 1815, 8 volumes; Diplomatic correspondence during the American Revolution, 8 volumes.

2 copies 7th vol. Laws U. States.

3 copies Revised Laws, Delaware, 1829.

1 copy Revised Laws of Michigan Territory, 1827; all of which are neatly bound.

The following are in pamphlet form—

| | | | |
|---|---------|--------------------|-------|
| 3 | copies, | laws of Tennessee, | 1829. |
| 3 | do. | do. Pennsylvania, | 1829. |
| 3 | do. | do. do. | 1830. |
| 3 | do. | do. N. Jersey, | 1829. |
| 1 | do. | do. Alabama, | 1828. |
| 2 | do. | do. do. | 1830. |
| 2 | do. | do. S. Carolina, | 1830. |
| 1 | do. | do. N. Carolina, | 1829. |
| 3 | do. | do. Delaware, | 1830. |
| 1 | do. | do. Georgia, | 1828. |
| 2 | do. | do. Michigan, | 1828. |
| 1 | do. | do. Maine, | 1830. |
| 1 | do. | do. Virginia, | 1824. |
| 1 | do. | do. Louisiana, | 1830. |

The following have been received, addressed to the Secretary of State—

1 copy Laws of Vermont, 1829.

1 do. do. Massachusetts, 1830.

2 do. do. Rhode Island, 1827.

It may be proper to remark, in addition to the Governor's communication, on the subject of the Louisiana Code, which is made the subject of special enquiry, that that book does not appear on the library catalogue, and I therefore presume was never deposited in this office.

Soon after the present incumbent came into office the following books were ascertained to be missing, viz:

1st and 2d vols. Mavor's Universal History;

1st vol. Robertson's America;

3 copies Jefferson's Manual,

Bentham's address to the French Convention;

Say's Political Economy.

The latter work appears charged to Governor Ray on the 10th April, 1827.

This catalogue of books missing, is confined to the miscellaneous department of the Library.—What laws, documents of congress, &c. may have disappeared, cannot be readily ascertained. More time and labour would be required than could be conveniently or properly bestowed at this time, having due regard to the other, and indispensable business of the department, to answer every particular of this resolution.—That part of the resolution which requires the number of books in the State Library, cannot be accurately complied with at this time, as many hundreds of volumes are now in the hands of members of the General Assembly.

If however the Senate require any thing more explicit than the statements thus submitted, the Librarian will endeavour to comply.

I am sir verry respectfully,
JAMES MORRISON.

EXECUTIVE DEPARTMENT, }
Ind's. Ind'a. Jan. 3d, 1831. }

HON. JAMES MORRISON,

Secretary of State and Librarian:

SIR:—Your letter of the 29th ultimo, is on my table. It is well known to you, to all, that I have had Livingston's Louisiana civil code in use. The books of the Librarian shew, that I am chargeable with Say's Political Economy. Except these, I herewith send you some late arrivals of Journals of early Congresses of the U. S. 7th vol. laws of Congress and

Spark's Diplomatic Correspondence, directed to me in the usual manner; and also, some laws of several of the States in exchange for ours, which is all the information in my possession, relative to your communication, or its accompaniment.

Respectfully, I am, Sir,

Your obt. servant,

J. BROWN RAY.

AUDITOR'S OFFICE,
Indianapolis, Dec. 30, 1830.

JAMES MORRISON, Esq.

Secretary of State:

SIR:—In answer to your note of yesterday, referring me to a resolution of the Senate, relative to the State Library, I have to say, that no books belonging to the State Library, are in my possession. Nor do I know of any in the possession of others. I should presume that a reference to the Librarian's book, would enable you to afford to the Senate the information sought for in the resolution.

I am respectfully, Sir,

Your obt. servant,

MORRIS MORRIS.

Indianapolis, 4th January, 1831.

HON. J. MORRISON,

Secretary of State:

Your note and a copy of a resolution of the Senate, on the subject of the State Library, is before me. In answer I have to say, that I can give you no information as to the books alledged to have been missing at the time when I ceased to be Secretary of State, as the lapse of time has obliterated particular facts from my memory. I only recollect that some one, two, or three books were missing.

For the fact, I can account no otherwise than by referring to the inconvenient and unsuitable room then and yet used as an office of the Secretary of State, and to a fact which may appear strange. A very honorable gentleman, then a Senator, assured me two years after the organization of the State Library, that he had not before known of it, and had ever been in the habit of taking what books he wanted without notifying me. He at the same time assured me had taken none but what he had returned. Instances frequently occurred during the first year after the organization of the library that

books were out of the library without my knowledge. When it was discovered that they were missing, I used the best means in my power to find them, and generally succeeded. As to the other inquiries, I have nothing to communicate, as I have no recollection of any of the matters contemplated by them, except of the Louisiana code, and upon that subject you have received, as I understand, satisfactory information from another quarter.

Very respectfully,

I have the honor to be,

W. W. WICK.





NATIONAL
LIBRARY BINDERY
COMPANY
OF INDIANA, INC.

546 SOUTH
MERIDIAN STREET
INDIANAPOLIS

